

## THE MADRAS LEGISLATIVE COUNCIL.

**Saturday, the 7th February 1925.**

The House met at 11 o'clock, Mr. President (the hon. Diwan Bahadur L. D. SWAMIKANNU PILLAI AVARGAL, C.I.E., I.S.O.) in the chair.

### I

#### QUESTIONS AND ANSWERS.

*[Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924—*

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

#### STARRED QUESTIONS.

##### Depressed classes.

*Scholarships for depressed class pupils studying commercial subjects.*

\* 204 Q.—Mr. R. VEERIAN: Will the hon. the Home Member be pleased to state—

(a) whether the ten scholarships of the value of Rs. 4 each a month for commercial subjects are intended for all commercial subjects or for a particular subject, as per answer given to question No. 1102 at the meeting of the Council, dated the 23rd October 1924;

(b) whether there is any differentiation in the award of scholarships for commercial subjects for lower and higher grades;

(c) if not, whether the Government intend or propose to make any differentiation in the award of scholarships for commercial subjects for the lower and the higher grades;

(d) how many applications were received from the members of the depressed classes for industrial subjects, together with their names and the institute in which they are undergoing training in the special line; and

(e) how many of them were awarded scholarships for the current year?

A.—(a) The scholarships are intended for pupils of the depressed classes who study commercial subjects such as book-keeping, commercial correspondence and banking.



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(b) No.

(c) No.

(d) &amp; (e) Seven applications were received from the pupils of the depressed classes and their names are

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|-------------------------|-------------------|
| (1) B. R. Sarangapani.  | (5) Sankaradoss.  |
| (2) Selvanayagam.       | (6) A. F. Solomon |
| (3) T. Audipathan.      | (7) D. D. Fell.   |
| (4) J. V. Sivapragasam. |                   |

Six of them were awarded scholarships and they are undergoing training in the Pudupet Convent School of Commerce, Madras.

Mr. R. VEERIAN :—" With reference to the answer to clause (a), may I know whether banking, commercial geography and shorthand are not included in the list of commercial subjects ? "

Mr. G. F. PADDISON :—" Banking is already included in the answer to clause (a). I think that shorthand is a technical subject. "

Mr. R. VEERIAN :—" What I want to know is this. Commercial geography also is a technical subject; and are not scholarships intended for students reading that subject also ? "

The hon. Sir ARTHUR KNAPP :—" Does the hon. Member suggest that commercial geography is not included in the curriculum of the schools in which these pupils are reading ? "

Mr. R. VEERIAN :—" All that I want to suggest is that scholarship must be given also to students who study commercial geography. "

The hon. Sir ARTHUR KNAPP :—" The answer to clause (a) is that scholarships are given to students who study commercial subjects such as book-keeping, etc. The list is not exhaustive. "

Mr. R. VEERIAN :—" If it is not definitely mentioned, Government may turn round and say that it is not one of the commercial subjects. "

The hon. the PRESIDENT :—" Does the hon. Member wish to suggest that no scholarship is given for commercial geography ? If not there is no reason for putting this question. As the hon. the Home Member pointed out the list is not exhaustive. "

Mr. R. VEERIAN :—" With reference to the answer to clause (c), may I know the reason for not making any distinction between the lower and the higher grades ? "

The hon. Sir ARTHUR KNAPP :—" I don't think it has ever been suggested to Government that there is any reason for making such a distinction. "

*Inspection of the elementary education of the depressed classes.*

\* 205 Q.—Mr. R. VEERIAN : Will the hon. the Home Member and the hon. the Minister for Education be pleased to state—

(a) whether there is any proposal before the Government to appoint a special District Educational Officer or officers to deal with the elementary education of depressed class boys and girls in the Presidency ;

(b) the principle on which special deputy inspectors of schools were appointed to look after the elementary education of Muhammadans ;



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(c) the number of such special deputy inspectors of schools appointed up to now to look after Muhammadan elementary education in the Presidency ;

(d) the reason for not extending the same privilege to the depressed classes ; and

(e) whether the Government propose to consider the question of appointing either a special District Educational Officer or a special deputy inspector of schools to deal with the elementary education of depressed classes now ?

A.—(a) No such proposal is under consideration. Schools for members of the depressed classes under local bodies and aided agencies are supervised by the district educational officers. The schools started by the Labour department for the benefit of the depressed classes work under the Commissioner of Labour and the desirability of appointing Superintendents to inspect these schools under the orders of the Commissioner of Labour is under examination.

(b) Deputy Inspectors of Muhammadan schools are appointed in view of the facts that Urdu is the medium of instruction in Muhammadan elementary schools throughout the greater part of the Presidency, that managers of *Maktabs* have to be persuaded to introduce secular instruction in their schools and that these schools have to be assisted in adding a secular side to their instruction.

(c) Fifteen excluding the five Mappilla deputy inspectors employed on the West Coast.

(d) & (e) The education of the depressed classes does not present the same difficulties as those referred to in clause (b). Except in so far as it may be found desirable to make special provision for the supervision of schools managed by the Labour department, the Government do not consider it necessary to take any action in the direction indicated.

Mr. R. VEERIAN :—“ Does the Labour department supervise the schools in all the districts, since I see that it does so only in nine districts ? ”

The hon. Sir ARTHUR KNAPP :—“ We are only supervising them in the districts in which we have labour officers.”

Mr. R. VEERIAN :—“ May I know what becomes of the schools in the other districts ? ”

The hon. Sir ARTHUR KNAPP :—“ We are hoping in course of time to appoint labour officers in all the districts.”

Mr. A. RAMASWAMI MUDALIYAR :—“ May I know the nature of the supervision of the labour officers with reference to these schools ? ”

The hon. Sir ARTHUR KNAPP :—“ I think it would be difficult to particularise the exact nature of the supervision by this Labour department.”

Mr. A. RAMASWAMI MUDALIYAR :—“ I want to know whether they are expert educational advisers or whether they simply supervise the schools as the members of the taluk board do, by seeing whether the attendance of pupils and teachers is regular and attending to other matters not directly bearing on the kind of education imparted ? ”



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The hon. Sir ARTHUR KNAPP :—" I have no accurate knowledge of the supervision exercised by these labour officers. But as has been mentioned in clause (a) of the answer the desirability of appointing superintendents to inspect these schools under the orders of the Commissioner of Labour is under examination. We will then consider whether it will be possible to appoint superintendents who are qualified as educational advisers."

Mr. A. RAMASWAMI MUDALIYAR :—" Will the hon. Member consider the desirability of placing these institutions also under the general supervision of the educational officers of the Education Department?"

The hon. Sir ARTHUR KNAPP :—" That point will be considered in connexion with the appointment of special superintendents which is under examination."

Mr. J. A. SALDANHA :—" Will the hon. Member try the experiment of appointing honorary labour officers just like honorary registrars?"

The hon. Sir ARTHUR KNAPP :—" Does my hon. Friend refer to honorary labour officers appointed for this special purpose of inspecting the schools or for labour problems in general?"

Mr. J. A. SALDANHA :—" All problems."

The hon. Sir ARTHUR KNAPP :—" Then I submit that this question does not arise out of the main question."

### Leave Rules.

#### *Subsidiary Leave Rules to Fundamental Leave Rules.*

\* 206 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Member for Finance be pleased to state—

(a) when the Subsidiary Leave Rules to the Fundamental Leave Rules published in the *Port St. George Gazette*, dated 6th December 1921, were issued by the local Government and from what date the Fundamental Leave Rules were brought into force;

(b) whether any changes were made in the Fundamental Leave Rules after the publication of the Subsidiary Leave Rules in the *Port St. George Gazette* and if so, under what authority changes were brought about in the original leave rules;

(c) whether the consent of the Government servants was obtained to remain under the old or the new leave rules before the Fundamental Leave Rules were brought into force;

(d) whether the Government are aware that the changes made in the Fundamental Leave Rules Nos. 81 and 87 and published in the *Port St. George Gazette*, dated 2nd January 1923 and 2nd December 1924, have adversely affected Government servants drawing less than Rs. 300;

(e) the precautions taken by the Government to guard the interests of such of the Government servants as have already elected to come under the Fundamental Leave Rules; and

(f) why the concessions originally granted by the Secretary of State are now withdrawn and why the changes are not made to operate on new entrants only?



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- A.—(a) Subsidiary rules to the Fundamental Rules were issued by the Local Government on the 6th November 1922. The Fundamental Rules came into force with effect from 1st January 1922.
- (b) There have been some changes. They were made by the Secretary of State in Council under the powers conferred by section 96-B of the Government of India Act.
- (c) Yes.
- (d) Yes.
- (e) When Rule 81 was amended, Government servants who had elected to come under the Fundamental Rules were again allowed the option of reverting to the leave rules by which they were previously governed.
- (f) The amendment of Fundamental Rule 81 was introduced to correct a mistake that had been overlooked when the rules were originally issued. The Government are unaware of the reasons for the recent amendment of Fundamental Rule 87.

### Village Establishments.

*Duties of village servants, talaiyaris, etc.*

\* 207 Q.—Mr. A. CHIDAMBARA NADAR: Will the hon. the Member for Revenue be pleased to state—

- (a) whether the village servants, talaiyaris and vettians are bound to serve both the village munsif and the karnam;
- (b) whether they are under the control of both of them; and
- (c) if so, how their services are divided between the two officers?

A.—(a) & (b) The vetti and talaiyari are under the control of the head of the village. They must obey the karnam if deputed for work under him.

- (c) Subject to any orders of competent superior authority, this is a matter for the headman to arrange with due regard to the needs of the village.

Mr. R. SRINIVASAN:—"Referring to answer (c) where it is stated 'to arrange with due regard to the needs of the village,' may I know whether it includes sanitary arrangements also?"

The hon. Mr. N. E. MARJORIBANKS:—"I want notice of that question."

*Village munsifs in the Tinnevely district.*

\* 208 Q.—Mr. A. CHIDAMBARA NADAR: Will the hon. the Member for Revenue be pleased to state—

- (a) whether it is a fact that all the Nadar village munsifs have lost their seats during the revision of villages in the Tinnevely district;
- (b) whether any petition concerning the matter has been submitted to the Government; and
- (c) if so, whether the Government have taken any action on the petition?

A.—(a) The Government have no reason to think so.

(b) & (c) No such petition has been received.



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Mr. A. CHIDAMBARA NADAR :—“ With reference to clause (a), will the Government be pleased to make an enquiry into the matter ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ I do not think there is any necessity to make any special enquiry having regard to the proposal to revive the officers to certain extent.”

Mr. A. CHIDAMBARA NADAR :—“ May I know when this revival will take place ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ As soon as it is practicable to get through the legislation for that purpose.”

Mr. A. CHIDAMBARA NADAR :—“ May I know whether the same old officers will be restored ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ I cannot guarantee that.”

Mr. A. CHIDAMBARA NADAR :—“ In such a case, is it not necessary to make an enquiry and see whether the Nadar village munsifs are excluded ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ Under the circumstances stated I do not think so, Sir.”

Mr. T. ADINARAYANA CHETTIYAR :—“ May I know whether the Bill is ready for introduction ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ It is almost ready.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ What is the proposal with reference to these officers ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ How does that arise out of this question, Sir ? ”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ The hon. Member said that the Bill is ready, or almost ready for introduction. Certainly Government ought to know their proposals, whether they are going to reinstate the old officers or appoint new men for the villages ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ I have nothing to add to my former answer.”

### Local Boards and Municipal Councils.

#### *Manner of election of members of taluk boards to district boards.*

\* 209 Q.—Mr. K. RAGHUCHANDRA BALLAL : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) (i) whether the rules framed under the Local Boards Act of 1920 and revised under G.O. Notification of May 1921 are obligatory on the presidents of taluk boards in the matter of electing members of such boards to the district boards ;

(ii) whether presidents of taluk boards are not bound to report fully to the Government or any other authority as to the manner in which such elections are held while reporting the results ;

(b) (i) whether the Government are aware that on 26th November 1924 the President of the Mangalore Taluk Board held an election to elect two members from the said board to the District Board of South Kanara ;



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(ii) whether the Government are aware that the President of the Mangalore Taluk Board contravened rule 7 of the aforesaid rules by supplying, to members who wished to vote, blank slips of paper without printing or typing the names of all taluk board members and asking the members to write out with their hand on the said slips the names of the candidates whom they wished to vote for ;

(c) (i) whether the Government are aware that the said president misread or never read out rule 9 of the said rules to the meeting and misrepresented that candidates for election were not entitled to vote ;

(ii) whether it is not a fact that owing to such misrepresentation of the president the candidates for election never voted at all ;

(d) whether the Government have any objection to ascertain whether such departures have been made by presidents of other taluk boards in the Presidency ; and

(e) in case of any such instances being found, whether the Government have any objection to call the attention of the presidents concerned to the gravity of the matter and to issue a Government Order urging upon a strict observance of such rules ?

A.--(a) (i) The answer is in the affirmative.

(ii) The answer is in the negative.

(b) & (c) The Government have no information. If the rules were contravened in the course of the election, the remedy lies in the presentation of a petition to the Civil Court in accordance with the rules framed by Government in that behalf.

(d) & (e) The Government do not consider that any useful purpose would be served by such an enquiry.

MR. A. RAMASWAMI MUDALIYAR :—“In view of the serious allegations, may I know whether the Government have considered the desirability of dealing with these questions departmentally ?”

The hon. the RAJA OF PANAGAL :—“Sir, the suggestion will be considered.”

### British Empire Exhibition.

#### *Participation in the Wembley Exhibition of 1925.*

\* 210 Q.—RAI BAHADUR T. M. NARASIMHACHARLU : Will the hon. the Minister for Development be pleased to state whether this Government intend—

(a) to partake in the continuance of the Wembley Exhibition in London in 1925 ;

(b) to contribute towards the expenditure thereof ;

(c) to depute the same or other officers to proceed to London for the purpose ; and

(d) to place on the table of this House the report, if any, of the officers concerned concerning the activities and the achievements of the Madras Court in the last year's exhibition ?

A.—(a) (b) & (c) No such proposals have as yet been considered,

(d) Yes.



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Rai Bahadur T. M. NARASIMHACHARLU :—“ With reference to the answer to clause (a), may I know whether any proposals have been made ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ No, Sir.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ With reference to clause (d), may I know when the report will be ready to be placed on the table of the House ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ As soon as it is received.”

Mr. T. ADINARAYANA CHETTIYAR :—“ Was there not a preliminary report ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ A small press communiqué was issued.”

*The British Empire Exhibition.*

\* 211 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Development be pleased to state—

(a) when the Statement of Accounts of British Empire Exhibition will be placed on the table of the House ;

(b) whether Madras has been consulted in regard to the participation in the exhibition this year ; and

(c) whether the Government propose to consult the Legislative Council before agreeing to take part ; if not why not ?

A.—(a) As soon as it has been received and considered by Government.

(b) No.

(c) Yes.

Mr. R. VEERIAN :—“ Mr. President, Sir, with your kind permission, may I give a personal explanation regarding the answer given by the hon. the Home Member to a question with reference to the scavenging work in jails. I should like to draw the attention of the hon. the Home Member to question No. 730, dated 13th October 1924, wherein it is clearly stated by the Government that the scavenging work is usually allotted to convicts who belong to the totti class and when these are not available no caste persons are employed in accordance with the principle laid down in rule 28 of the Jail Manual.”

The hon. the PRESIDENT :—“ The hon. Member may revive the subject in any future question of his. I do not think I can allow him to ask a question in the name of a personal explanation. I do not think this is a personal explanation. I believe the hon. Member wishes to refute something that was said by the hon. the Home Member on the subject yesterday. It is open to him to address another question to the hon. the Home Member if he wants to dispute the accuracy of his statement.”

Mr. R. VEERIAN :—“ I shall give separate notice of the question.”



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**UNSTARRED QUESTIONS.**

**Forests.**

*Forest land now under tea and coffee plantations.*

212 Q.—Mr. M. RATNASWAMI: Will the hon. the Home Member be pleased to state—

- (a) the total area of land which was once forest land now given over to tea and coffee plantations;
- (b) whether the conversion of forest land into tea and coffee plantation has had any injurious effects on the climate, rainfall and timber resources of the Presidency;
- (c) the total area of forest land converted into tea and coffee plantations within the last five years; and
- (d) whether Government intend to allow any more forest land to be converted into tea and coffee plantations?

A.—(a) The Government have no information.  
 (b) The Government have no reason to think so.  
 (c) The Government have no information.  
 (d) Applications will be considered on their merits.

*The District Forest office at Bellary.*

213 Q.—Mr. P. SIVA RAO: Will the hon. the Home Member, the hon. the Minister for Education and the hon. the Minister for Development be pleased to state—

- (a) what use the Government will make of the building where the District Forest office at Bellary is now situate;
- (b) whether the S.P.C.A. of Bellary applied for the use of the building in question for the location of the 'Veterinary' hospital;
- (c) whether also the Education Department applied for its use for the location of the girls' school;
- (d) whether there is a great need for a building for a girls' school in Bellary; and
- (e) whether it has been decided to whom it should be transferred; if so, to whom?

A.—(a) The Government are unable to make any statement in the matter at present.  
 (b) Yes.  
 (c) & (d) The Government have no information.  
 (e) No decision has been made.

**Irrigation.**

*The Tungabhadra Project.*

214 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Law Member be pleased to state—

- (a) what is the amount sanctioned for the detailed investigation of the Tungabhadra project and spent as a first instalment;



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(b) what is the further amount that has been sanctioned and how long would the special staff work with the allotment and when it is expected that the investigation would be finished;

(c) whether the allotment covers the cost of scientific instruments such as 'levels and plan tables' and, if so, what portion of the allotment this covers;

(d) whether it is proposed to take the Bellary West canal from near Kuruvatti in Harpanahalli taluk as far as Guntakal and thence to make branches for the benefit of Gooty and Tadpatri taluks; and

(e) the actual cost of the establishment charges estimated for a complete detailed investigation of the whole scheme and whether it is provided for in the budget of 1925-26?

A.—(a) & (b) By "Tungabhadra Project" the hon. Member presumably refers to the Bellary West Canal Project. The amount spent on its investigation as a first instalment was Rs. 17,448. The amount sanctioned for the entire investigation including the first instalment is Rs. 35,000. The investigation is expected to be completed in May next.

(c) Yes. Separate figures for this item is not available.

(d) As at present designed the proposal is to construct an anicut across the Tungabhadra about 4 furlongs above Kuruvatti village, Harpanahalli taluk, and to take off a channel for a distance of about 70 miles as far as Gauripuram vanka at the foot of the Sandur range. The channel will not extend to Guntakal, nor will branches be taken to Gooty and Tadpatri taluks.

(e) The total cost of the investigation including establishment required for the complete investigation of the scheme is estimated at Rs. 40,000. The outlay during the current year is estimated at Rs. 27,500 and the balance Rs. 12,500 is proposed to be allotted in the budget estimate for 1925-26.

### Deputy Collectors.

#### *Revision of the cadre of Deputy Collectors.*

215 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that in 1911 the cadre of Deputy Collectors was revised so as to make it self-contained as in the other provinces and to minimise the period of acting service of Deputy Collectors and also to minimise the disadvantages to those in the consequent chain of arrangements;

(b) whether the addition of 22 permanent posts to the cadre as stated in the answer to question No. 1268 (c) was based on the average number of acting and temporary posts at the time and if so what that average number was;

(c) the average number of acting and temporary posts during the last three years ending December 1924; and

(d) if the average of the last three years exceeds the average taken into account in 1911—

(1) whether it has resulted in the increase in the number of acting Deputy Collectors from 9 in 1912 to 38 in 1924 [vide answer to question No. 1267 (b)]; and



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(ii) whether the Government propose to add to the permanent cadre to meet the increased demand?

- A.—(a) Yes.  
 (b) Yes. The average number was 22.  
 (c) 43.  
 (d) (i) Yes.  
 (ii) The facts will be examined.

*Reduction in the strength of Deputy Collectors.*

216 Q.—Mr. A. RANGANATHA MUDALIYAR: With reference to the answer to question No. 1267 (a), will the hon. the Member for Revenue be pleased to state—

- (a) whether the Government obtained the orders of the Secretary of State for India to reduce the strength of the cadre of Deputy Collectors from 160 in 1921 to 136 in 1924; and  
 (b) whether they would make such additions as may be necessary in the present circumstances to the cadre of Deputy Collectors without exceeding the strength of 1921?

- A.—(a) No. The orders of the Secretary to State were not required.  
 (b) Additions are made to the cadre whenever new charges are created. No permanent additions are contemplated immediately.

**Irrigation.**

*Supply of water to the kasam feeding the wet lands of Allapuram.*

217 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Member for Revenue be pleased to state—

- (a) whether the kasam feeding the wet lands of Allapuram in Vellore taluk, North Arcot district, was interfered with when the Otteri water was taken for water-supply in the Vellore municipality;  
 (b) whether the old tank was sold away when this kasam was constructed;  
 (c) whether it is a fact that there was a proposal to acquire the tank which was sold and to get it repaired in view of the scarcity of the supply of water to this kasam;  
 (d) whether the ryots had applied for the conversion of their 'wet' lands to 'dry' if proper supply of water cannot be secured to them; and  
 (e) what orders, if any, have been passed on this petition?

A.—The Government have no information

**Land Revenue.**

*Collection of interest on arrears of revenue in Tanjore.*

218 Q.—Mr. S. MUTTAIYIA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

- (a) whether it is a fact that the Collector of Tanjore has issued orders for collecting interest on arrears of revenue of 1923-24;  
 (b) if so, the dates of the various orders on the matter;  
 (c) whether demand for interest has been made and collected on arrears



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which have been paid before the demand for interest;

(d) whether the Collector has been authorized by the Government to make such demands; and

(e) whether there have been any cases, except in the Tanjore district in the present year, when demand for interest was made after arrears of revenue had been paid?

A.—(a) & (d) The hon. Member is referred to the answer to question No. 84.

(b) 16th February 1924 and 11th April 1924.

(c) & (e) The Government have not heard of such cases.

*Land assigned to ex-military men in the Presidency.*

219 Q.—MR. J. A. SALDANHA: Will the hon. the Member for Revenue be pleased to state the total area of land assigned to ex-military men in the Madras Presidency?

A.—The Government have not yet full information. It is being collected.

#### Village Establishments.

*Report on the cancellation of 're-grouping' of village vattams.*

220 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether he has received the report on the cancellation of the 're-grouping' of village vattams, as desired by a resolution of this Council, from the special officer deputed for the purpose; and

(b) whether the same will be placed, with the orders of Government thereon, on the table of this House?

A.—The hon. Member is referred to the answer to question No. 86.

#### Co-operative Societies.

*Report regarding Arni-Kolathur Co-operative Society.*

221 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether the report called for in connexion with interpellation No. 1336 regarding the Arni-Kolathur Co-operative Society, vide Council Proceedings, dated 3rd December 1924, has been received; and

(b) if so, whether he will lay the same on the table of the House?

A.—The report was received and the information was furnished to the hon. Member on 30th January 1925.

*Report regarding refusal of long-term loan to the Perundurai Co-operative Society.*

222 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether the report called for in connexion with question No. 1337 regarding the refusal of a long-term loan to the Perundurai Co-operative Society has been received; and

(b) if so, whether he will lay the same on the table?



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A.—The report called for was received and the information furnished to the hon. Member on 29th January 1925.

*Co-operative Credit Societies.*

223 Q.—Mr. MUHAMMAD MOOSA SAIT: With reference to answer to question No. 437 (5), will the hon. the Minister for Development be pleased to state if the scheme has since been approved by the Government?

A.—The scheme has not yet been finally approved.

*Establishment of land mortgage banks.*

224 Q.—Mr. R. SRINIVASA AYYANGAR: Will the hon. the Minister for Development be pleased to state—

(a) whether any decision has been reached regarding the proposal to establish land mortgage banks in this Presidency; and

(b) if the answer be in the affirmative, the number of banks proposed to be established and their places and to lay on the table, order, if any passed, by Government?

A.—(a) If funds are available it is proposed to open four land mortgage banks in 1925-26.

(b) The places provisionally selected for opening banks are Conjeevaram in Chingleput district, Ambur in North Arcot district and Kallakurichi in South Arcot. It is hoped also to open a bank in Kistna or Salem district.

II

PROGRAMME OF BUSINESS IN MARCH.

An asterisk (\*) at the commencement of a speech indicates revision by the member.

\* The hon. the PRESIDENT:—“I think hon. Members have had notices from the Secretary of the dates connected with the Budget.  
11-15 a.m. It is usual to announce them in public and I do so here—

Presentation of the estimates to the Legislative Council. 2nd March 1925 (Monday).

Discussion of the estimates in the Legislative Council. 4th, 5th and 6th March 1925.

Latest date for the receipt of notices from non-official members of the Legislative Council for reduction or omission of grants. 3 p.m. on 9th March 1925.

Voting of grants by the Legislative Council ... 16th to 27th March 1925 inclusive; that is, ten days excluding the 22nd March (Sunday) and 25th March (Telugu New year's day).

Voting on further demands for grants ... 30th March 1925.”



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Rao Bahadur C. V. S. NARASIMHA RAJU :—" Will any days be allotted as non-official days in March, Sir ? "

\* The hon. Sir ARTHUR KNAPP :—" I can only say, Sir, that, as my hon. Friend is aware, the allotment is made by His Excellency. His Excellency has the matter under consideration. A point that arises is that it has not been usual in the past to allot any non-official days during the discussion of the Budget, but His Excellency is anxious on this occasion to make provision for non-official business, if possible. I have been in communication with the hon. the Leader of the Opposition on the question whether Members would like to have non-official business during the days that intervene between the actual introduction of the Budget and its discussion in the Council. For example they might like to use the balance of the day after the introduction of the Budget on the 2nd March for the purpose of discussing resolutions. For this purpose it is not necessary for His Excellency to make any allotment. In the ordinary course, after the Government work is finished, any portion that may be left may be devoted to other work. The question whether a further allotment for non-official business is to be made remains open, and I understand that if it is the general desire of the House to sit after the 30th March, His Excellency is quite prepared to take into consideration the allotment of non-official days in April. I propose to consult my hon. Friend the Leader of the Opposition further on this matter."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" If it is not inconvenient for the Government, two days, the 1st and 2nd April, may be fixed. That will be more convenient for the House, because it is not likely to meet for some months afterwards. We may not meet till August, and it is therefore desirable that two days should be allotted in April."

\* The hon. Sir ARTHUR KNAPP :—" I shall convey the wishes of the House in this matter to His Excellency, Sir."

Mr. P. ANJANEYULU :—" I understand from what the hon. the Leader of the House said that any portion of the day that is allotted for Government business, after the Government business is over, may be allotted for non-official business."

\* The hon. Sir ARTHUR KNAPP :—" No, Sir. It is not a question of allotment. It comes about automatically under the rules ; any part of a Government day which is not occupied by Government business is at the disposal of private Members."

### III

#### RECORD OF ATTENDANCE OF MEMBERS.

\* The hon. the PRESIDENT :—" I have to mention another matter to the House. It was usual, up to the time of the present reformed Councils, to register the attendance of hon. Members, and it is for many reasons desirable to renew it. One of these reasons is to assist hon. Members themselves in drawing up their travelling allowance bills. Moreover, Government as well as the Council Office would like to have definite information as to the Members present or absent on a particular day of a Council meeting. The question is how it is to be done, and I thought I had better put it before the House, so that I may know how hon. Members would like it to be done. My idea is to keep a book at the entrance and to request hon. Members to sign it once a day at any time they may please during their



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attendance in the House. This would be the most convenient plan for all concerned because if we kept a number of books in different places there might be confusion. We only want to know once a day the fact that any hon. Member attended the House. I might ask my own office to do it, but as hon. Members are at liberty to attend the House at any time of the day, it would mean a clerk being set apart for the whole day and he has to watch the coming in and going out of Members. This can be avoided if hon. Members would merely sign their names once during the course of the day."

Mr. T. ADINARAYANA CHETTIYAR :—"What is the procedure adopted in other Provincial Councils, Sir?"

The hon. the PRESIDENT :—"It varies; I think in most places they sign in a book."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"If I remember aright, I think about 1913 or 1914 one clerk of the Legislative Department used to stand at the entrance and take the names of the Members as they entered the Council. It went on well, I think, for three or four years. At one time, one method of getting the names that was adopted was to get the signatures on papers distributed on the benches. I think the system of one of the clerks standing at the entrance and noting the names as members enter the Hall would be very convenient."

The hon. the PRESIDENT :—"He would have to be there the whole day."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"The thing is this. Some of the members in even the district boards and taluk boards deeply resent it when they are asked to sign in a register. It may be for the convenience of the Audit Department. If really it is the requirements of the Audit Department, I think they must make their own arrangements to have the names of the members that attended the meetings noted by their own staff. But to ask the members to sign in the register every day is, I think, and some people feel, derogatory to their position, and they may even refuse to sign."

Diwan Bahadur P. KESAVA PILLAI :—"They will not get batta if they refuse to sign." (Laughter.)

\* The hon. the PRESIDENT :—"I wish to put my own point of view before the House. My suggestion is not merely for the convenience of the Audit Department. I think that as persons whose names I hope will go down to history along with the proceedings of the Council, it is very essential that we should leave behind us some record testifying which members partook in the deliberations on any particular day. We have no means at present of ascertaining this unless in matters in which the House goes into division. Formerly the proceedings of the Legislative Council used to open with a list of persons present. The same thing, or whatever other arrangement we may make for ascertaining the attendance of members, would be useful for that purpose. But I think that to take down the attendance of members at a fixed hour every day would interfere unduly with the liberty and convenience of members because they come and attend at all times. If hon. Members are not able to suggest any method, I shall have to ask Government to incur the necessary expense. But I do not think that there is anything derogatory about signing a book. I do not know about the members of local boards and municipalities, and this is not a question of signing the attendance at a particular hour as is



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the case in certain institutions. What is wanted is merely this, that members should at any time they please during the day go up to the threshold and put down their names. I have no objection to considering any other arrangement."

MR. R. SRINIVASA AYYANGAR :—"It is true that in the local boards the practice of taking signatures obtains, but I should like to know from you, Sir, the practice in the Mother of Parliaments, whether it is usual in the House of Commons to obtain the signatures of members present."

The hon. the PRESIDENT :—"They have a means of recording attendance there."

RAO BAHADUR A. S. KRISHNA RAO PANTULU :—"May I suggest that unless you find very strong reasons to deviate from the practice which has been in existence, it may not be departed from; and as regards these registers, I would request you to consider the advisability of not insisting upon it."

The hon. the PRESIDENT :—"I do not insist upon it."

RAO BAHADUR A. S. KRISHNA RAO PANTULU :—"Because apart from the question pointed out by the Leader of the Opposition, I think it is intended merely as a sort of historical record of the proceedings and to ascertain who have been attending the Council. That is a different thing altogether. But if, in the matter of introducing the attendance register, there are any reasons behind it. . . ."

The hon. the PRESIDENT :—"Absolutely nothing of the kind."

RAO BAHADUR A. S. KRISHNA RAO PANTULU :—"Or whether it is to ensure that the members drawing travelling allowance have given correct dates, that is, whether it is a question of audit and all these things. . . ."

\* The hon. the PRESIDENT :—"There is no such thing. I am sure everybody is willing to take on trust the declarations of members that they have attended on particular days. That is not the point. Nor do I see what Government would save by insisting upon an attendance register for that purpose. But as a matter of record it is very necessary."

\* The hon. Mr R. A. GRAHAM :—"Perhaps it will reassure the House, Sir, if I say that the Finance Department is not behind this proposal and knows nothing about it."

SRIMAN SASIBHUSHAN RATH Mahasaya :—"If we know the method followed in the Mother of Parliaments, why not we follow it here if it is feasible?"

\* The hon. the PRESIDENT :—"In the first place I may say this. In the House of Commons Members enter only by a particular passage and there is always a person stationed there for other purposes, and it is for him to keep a record. We cannot do this in our tropical climate. We have to keep all the doors open."

MR. T. ADINARAYANA CHETTIYAR :—"Does that functionary keep a record, Sir?"

\* The hon. the PRESIDENT :—"He not only keeps a record of the Members present but also of all the visitors who pass through the galleries. The record I suggest is not for purposes of the travelling allowance bills, although even from this point of view the record might prove in a way



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which could not be resented by hon. Members. There are hon. Members who have not claimed travelling allowance perhaps for months and even for more than a year, and we have had considerable difficulty with the Audit department as regards such late claims. If we have information that they have attended, we can remind them as to their bills."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"There are two or three pending cases of claims which are more than one year old."

Mr. J. A. SALDANHA:—"I should like with your permission to put a blunt question. In case we do not attend the Council, we would be disentitled to the batta for the day, but I want to know—I do not speak of me personally—if I am in Madras and do not attend Council for a particular day, if I would be disentitled to claim batta."

\* The hon. the PRESIDENT:—"If the hon. Member is in Madras and does not attend the Council on a particular day, I do not know whether he would be entitled or not. It is an audit matter altogether."

\* Mr. T. ADINARAYANA CHETTIYAR:—"I was told—but such question has not arisen in my own case—that in the case of mufassal members who come here and do not attend here every day but attend only on some days they are entitled to claim batta. The allowance is a halting allowance."

\* The hon. the PRESIDENT:—"I believe this is the case if hon. Members for some reason or another do not sit throughout the whole of the session but attend on a day or two. I believe they are allowed travelling allowance and batta for the whole period. Nobody has questioned the accuracy of bills sent in by hon. Members on the ground of non-attendance and we are not going to make use of this information for that purpose. (Laughter.) I may assure hon. Members on that point, because it would be contrary to the rules to disallow a member's halting allowance merely because he did not attend on a particular day on which he was in Madras. It is only for days after the Council is over that the halting allowance is not paid."

Diwan Bahadur P. KESAVA PILLAI:—"I think there is nothing derogatory in these hon. Gentlemen signing in the book. As you said, Sir, it would be a historical record to have the signatures, because afterwards if we pass away (Laughter) it will be a record of attendance. So, your order may stand and we may proceed with the business."

\* The hon. the PRESIDENT:—"I am very reluctant to pass such an order. If it was passed, it could be disobeyed, as I would have no means of enforcing it."

#### IV

##### COMMUNICATION TO THE COUNCIL

The Secretary then laid on the table a copy of the <sup>a</sup> statement showing  
11-30 a.m. the resolutions of the House Committee and the action taken  
thereon.

#### V

##### DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1924-25.

##### Grant III.

\* The hon. Rao Bahadur Sir A. P. PATRO:—"Sir, I beg to move:

*'That the Government be granted an additional sum of Rs. 65,000 under  
Excise department—Transferred'*

<sup>a</sup> Printed as Appendix I on pages 519-521 infra.



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"The reason for making this demand of Rs. 65,000 is this. When the budget for 1924-25 was prepared it was difficult to make an exact estimate of the sum required under this head owing to the separation of the two departments. Consequently in the substitution of the fixed travelling allowance to the subordinate staff for the ordinary travelling allowance there was an underestimate. At that time the separation of the Excise department was under the consideration of the Government. Government was not therefore able to estimate accurately the provision required for the ordinary travelling allowance. Provisionally a sum of Rs. 20,000 was put into the budget as lump sum. But the separation of the Salt and Excise with effect from the 1st April 1924 necessitated a large number of transfers of officers and clerks in circles which had been reconstituted. The expenditure in the first two months of the current financial year was therefore necessarily very high. To meet these charges as well as the transfer of Abkari officers from one place to another the provision was found to be quite inadequate. According to the actuals for the first eight months of the current year the expenditure for the whole year is estimated to amount to Rs. 85,000. So it is proposed to move a supplementary grant for Rs. 65,000 under Grant III. Excise."

Mr. A. RAMASWAMI MUDALIYAR :—"May I rise to a point of order with reference to the motion of my hon. Friend?"

The hon. the PRESIDENT :—"The amendment has not yet been moved."

\* Mr. SAMI VENKATACHALAM CHETTIYAR :—"I beg to move :

*'That the allotment of Rs. 65,000 under Grant III. Excise Department be reduced by Rs. 100.'*

"I shall not embarrass the hon. Minister for Excise by trying to elucidate from him whether he is still prepared to lay before this House any policy aiming at prohibition at this stage. I shall confine myself to know what his views are with regard to one or two matters of local importance and interest. I dare say, Sir, I can claim a soft corner of his heart for this city of Madras which he has not only made his home at present but which, if I may say so, has been his home for the last twenty-five years. Sir, the Corporation of Madras as a representative body of the citizens of this town several times recommended to the Madras Excise Licensing Board to remove shops of spirituous liquors and taverns to less objectionable sites. There is not one shop or tavern which is not objectionable even from the point of view of Excise Manual which the Government consider to be . . ."

Mr. A. RAMASWAMI MUDALIYAR :—"I think I will be well advised to raise the point of order at this stage as it is of some importance in respect of the general constitutional practice prevailing in this House and I should like to have your considered ruling on the subject. This is a supplementary demand brought forward by the hon. Minister. Under rule 32 of the Madras Legislative Council Rules

*'An estimate shall be presented to the Council for a supplementary or additional grant when the amount voted in the budget of a grant is found to be insufficient for the purposes of the current year.'*

"The hon. Minister says it is insufficient and brings forward this demand. The only relevant question at issue now is whether it is insufficient or



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whether there is a case made out for a supplementary demand. The question of policy, I do submit, does not arise on a supplemental demand at all. I am aware, Sir, and I prefaced my remarks with the statement that we have been allowing questions of policy to be discussed. When I was at Delhi recently I was witnessing the procedure of the larger assembly and it was sharply borne in my mind that it was rather a lax procedure that we have been adopting and according to the rules and past parliamentary practice that was a procedure which had no authority. In the particular instance Sir Frederick Whyte ruled that such a general question of policy was outside the scope of discussion on a supplementary demand. In the resolution brought forward by the Government of India regarding the steel protection bounty of 50 lakhs which was passed at a rate of Rs. 27 per ton an attempt was made by some hon. non-official Members to raise the question whether it deserved to be protected, whether the conditions of labour in the industry were such that that industry could get a bounty from the Government and other general questions of policy. The President of the Legislative Assembly ruled that the only question before the Assembly having regard to the Tariff Act which had already been passed and upon which the vote had already been taken, was whether a sum of Rs. 50 lakhs was a sufficient sum or whether the Council wanted it to be increased or decrease, whether the bounty of Rs. 27 was adequately provided, or whether it may be refused or increased. For the purpose of clarifying the issue I may state that the only question which is relevant to the issue here is whether the travelling allowance is necessary or is not necessary, whether the supplementary demand has to be made or need not be made, the question of decreasing the travelling allowance rate or increasing it, the question of stopping further travelling or of confining travelling to particular areas—these questions, I venture to submit, are relevant. But all questions of general policy on the administration of the Excise department or on the particular administration of any particular area, I venture to think, are not relevant to the issue at all. I am aware as I said that we have been allowing general discussions on some of these questions and for instance when the hon. Member for Irrigation brought in a proposal for a certain amount of supplementary demand for Trichinopoly irrigation my friend from Ganjam raised the question of the Girisola project. At that rate no supplementary demand can escape discussion on as wide a field as possible from Ganjam to Tinnevely. It is not my intention to raise any objection against the question my hon. Friend has raised—I am glad he will have his say—but I venture to think it is time that we have a ruling on this subject and if I may put it very humbly that ruling would conduce to the conservation of both time and energy on the part of the Members of the Legislative Council."

The hon. the PRESIDENT :—" I think I should want some time to consider this matter. Speaking on the spur of the moment I should say that a supplementary grant is not entitled to exceptional treatment or to be treated otherwise than as a grant in the budget. However, I will look into this matter and I do not think it will take long. But as we have allowed this practice for some time and as Government have, I presume, not furnished any memorandum stating that this additional sum is required for travelling allowance and hon. Members had no notice except that Rs. 65,000 was wanted for additional expenditure in the Excise department, I think Mr. Venkatachalam Chettiyar should be allowed to go on."



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\* Mr. SAMI VENKATACHALAM CHETTIYAR :—“ Sir, I was saying that every one of the shops or taverns in the city of Madras is far in contravention of the rules of the Excise Manual which Government consider to be the guiding principles upon which they would allow the location of liquor shops. Time after time the Corporation of Madras protested against permission being granted to sites most objectionable from the point of view of the public. Time after time the Excise Licensing Board rejected the applications so much so that the Corporation was compelled to request Government to vest the right of location of these shops in themselves instead of entrusting it to the Excise Licensing Board. Government replied that they could not transfer the right from the Excise Licensing Board to the Corporation. As a matter of protest the representatives of the Corporation of Madras had to withdraw from the Excise Licensing Board. It therefore is practically devoid of the real non-official public opinion that was being exercised as hitherto. This might be turned round and it may be said that the Corporation itself lost the privilege of sending up its representatives to the Excise Licensing Board. But the Corporation, I am glad to say, is too much of a business body to allow its representatives to sit there not being able to do anything on the Excise Licensing Board. When they found that their representatives carried no weight on the committee and when there was the Revenue Board that was ready to set aside the Excise Licensing Board they thought it was useless to continue to sit and that either the right should be vested in the Corporation or the composition of the Board must be changed. Rumours have been afloat that the Madras Licensing Board was to be reconstituted with the same number of representatives from the Corporation as the Corporation hitherto enjoyed with one or two additions of temperance workers. I submit, Sir, that that won't improve matters. Unless the Corporation of Madras is strongly represented on the Excise Licensing Board nothing practical can come out of it.

“The second point that I wished to raise is a very old question. The Municipality of Madras was enjoying the privilege of levying licensing fees upon places used for the sale of spirituous liquors and intoxicants. From the year 1867 to 1884 and 1885 the Corporation was levying these fees. Since the Abkari Act was passed in 1884, the power of administering this right by the Corporation was withheld and in lieu of that a certain compensation was offered to the Corporation. The original compensation of 7,452 was in lieu of the amount of 16,000 which the Corporation was then getting. The Corporation rejected that offer and subsequently Government enhanced it to Rs. 13,607 which they are now getting. All the same they were empowered by the Municipal Acts to levy the licence fee upon these places and also there was the power reserved to the Government to withhold the sanction on the payment of equal compensation which the Corporation would lose by the withholding of the sanction by the Government. Through the amendment of the Municipal Act in 1904 the power of the Corporation to levy licence fees on places used for the sale of spirituous liquors was definitely omitted and the Government assured that the compensation which was hitherto being paid by the Government would continue to be paid. The present position is that the amount which the Government are now collecting in the shape of licence fees is nearly 11 lakhs of rupees. Time after time the Corporation brought to the notice of the Government that the compensation should be increased, and no definite reply seems to have been given by the Government.



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“ It is now too late to say that the Government cannot entrust the power of selecting the sites for these shops to the Corporation of Madras. It was once said, I think in the year 1918, when the present City Municipal Act was in course of discussion, that the Corporation like any other local body had got the right of levying licence fees, and when this was pointed out to the Government, the Government very sympathetically answered that it was open to the non-official members in the Reformed Council to press this matter upon the Government when the subject became a Transferred one. Sir, the subject has become a Transferred one and continues to be a Transferred one, and no relief has yet been given to the Corporation. Recently, I am told the Corporation was in receipt of a Government order of 1922, but which was communicated only recently, that one of the recommendations of the Financial Relations Committee is that no share of the excise revenue can be claimed by local bodies. It is here that a difference has to be made between a share of excise revenue and the revenue collected on account of the licencing fees on these shops. We do not claim any share of the abkari revenue. That we entirely leave to the Government to enjoy. We want, Sir, the right which we were originally enjoying of levying licence fees upon places used for the sale of these intoxicants to be restored to us. One of the other recommendations of the Financial Relations Committee is that the local bodies ought not to depend upon the grants and subventions that the Government now and then were offering them. So far as the recommendations of this Committee were advantageous to the Government, I am glad they adopted them without any trouble. But whenever there happened to be any recommendations in favour of local bodies, they did not seem to think that those recommendations were entitled to their consideration. We agree, Sir, that local bodies ought not to depend upon the subventions and grants of the Provincial Government. But while we were receiving these subventions and grants, we were enjoying certain privileges which were since taken away. Now that these subventions are stopped, are we not entitled to get back the privileges which we were then enjoying? Till 1919 we have been continuously receiving from the Government grants for one or other objects. The last grant was in the year 1919. After the new Act came into force, we were told that no more grants will be given us. But we ask you to give us back our old privileges.”

\* Mr. P. L. MOORE :—“ On a point of order, Sir. I think there is a little misapprehension in the hon. Member's mind when he says that they were told that no more grants would be given. Perhaps he is referring to the minor sanitary grants.”

\* Mr. SAMI VENKATACHALAM CHETTIYAR :—“ Facts are stronger than arguments, however forcible they might be. The fact is that from 1919 we have not been receiving any grant, excepting grants towards water-works and drainage. Even this is because we have entered into an agreement with the Government that unless they undertook to contribute half the cost of the water-works and drainage works we could not carry them out. More than that we are not getting anything. And we did not press for any grant so long as we were very anxious about the restoration of our rights. In whatever shape the money came to us we were satisfied and we were going on with our work. Now the grants are stopped, and may I ask the hon. Member, Mr. Moore, if we will get anything to compensate us? ”



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\* Mr. P. L. MOORE :—“ I cannot understand what he is referring to. Is he referring to any particular grant? He says that no more grants were given. I do not understand what he means by it.”

\* Mr. SAMI VENKATACHALAM CHETTIYAR :—“ I mean to say that no more grant under this head is given. It is not a grant at all but it is only a payment of money which you are giving to us when you entered into a contract some years ago to administer our right, and when you said that you would pay us Rs. 13,607. Whenever we find that for lack of funds we are unable to undertake a certain progressive or sanitary scheme, we used to approach Government, and we found that our request was sympathetically considered. From 1919 we have not been in receipt of any grants.”

\* The hon. Mr. R. A. GRAHAM :—“ Rupees 6½ lakhs this year? ”

\* Mr. SAMI VENKATACHALAM CHETTIYAR :—“ I told the House already that so far as drainage and water-works were concerned the Government was bound by an agreement to give us that grant. Only on the assurance that the Government would give us that grant, we have undertaken those drainage and water-works schemes. Apart from the water-works and drainage grants which the Government was giving, the Government was also giving previously additional grants for general purposes which are stopped. Now we have taken a number of new schemes on hand not only on the persuasion of the Government but also at the instance of the citizens of Madras, and we feel, Sir, the lack of funds. It is not only on account of lack of funds but we claim it as a right that the privilege that was taken away from us ought either to be given back to us or the amount which you are collecting under that head must be given to us deducting of course the expenses you might incur in the matter of collection. I beg to submit that the Government was only a trustee on behalf of the Corporation in the matter of the administration of this work, and as trustees you cannot disown your responsibility of discharging to the ward your trust when he attains the majority and claims from you back his right to administer, by handing over the trust.

“ Sir, I beg to anticipate one or two objections that might be raised against us. We have recently been able to reduce our property tax by 1½ per cent. But the hon. the Minister for Education is responsible for this. Our educational expenditure was Rs. 1 lakh till two or three years ago. Now, it has increased to Rs. 2.40 lakhs. Though last year we reduced the general property tax by ½ per cent and levied a certain amount as an educational cess and asked for the Government's equal contribution towards that fund for education, the Government said that we were juggling with figures and that unless an educational cess was separately levied the Government could not contribute to the educational fund. Sir, while our expenditure for education has increased by about 150 per cent, the Government would not consider the desirability of contributing or taking upon themselves a portion of that burden but would ask the Corporation to levy an educational cess. We are alive to the most deplorable economic condition prevailing in the city. We feel that the city of Madras is very heavily taxed, and that unless we were able to reduce the property tax to accommodate the educational needs of the city and also to get, however small it may be, a contribution from the Government, we could not progress. That was why we reduced the property tax by 1½ per cent, so that we might recover this amount in the course of two or three years by increasing the education cess year after



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year. Even by reducing property tax by  $1\frac{1}{2}$  per cent and by levying  $\frac{1}{2}$  per cent educational cess, we were able to introduce compulsion only in three divisions. Next year we hope to introduce compulsion in four more divisions. Then we will be compelled to levy additional tax in the shape of education cess. Till now, it was not possible for the Corporation of Madras to levy an increased tax either in the shape of education or general property tax."

\* The hon. the PRESIDENT:—"I am afraid the hon. Member has introduced a very lengthy discussion. It is unfortunate that the Government did not state particularly what they wanted this money for. I understand it is wanted for additional travelling allowances."

\* The hon. Rao Bahadur Sir A. P. PATRO:—"It has been clearly stated that it is wanted for travelling allowances of officers of the department."

\* The hon. the PRESIDENT:—"That was understood from the hon. the Minister's speech to-day, and not from the notice on the paper."

\* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I thought that you, Sir, made a sort of suggestion to the Government that with each grant they should also send a note explaining the details and we were expecting that a note as regards the supplementary grants would be circulated to us."

\* The hon. the PRESIDENT:—"It is desirable that it should be. The inconvenience of it now is that the hon. Member is raising a very general question and to all appearance is refusing the Government the supplementary grant or is reducing it by Rs. 100 because something has not been done by the Government. However, I would deprecate the hon. Member going on with this sort of attack on the Government; because he will have every opportunity to do so next month. When the budget is taken up, he can press his point. Apparently, this matter is not of such urgency that it should be voted upon to-day."

\* Mr. SAMI VENKATACHALAM CHETTIYAR:—"I was following the rules and was moving the amendment on the procedure hitherto adopted in the House. I wanted to make clear to the Government the position about this grant. If this amendment had been ruled out of order, I would not have any complaint. But having been allowed, I do not see how my remarks have been irrelevant so far as this grant is concerned. I submit, Sir, that I do not deserve your deprecation."

\* The hon. the PRESIDENT:—"I did not rule the hon. Member out of order. I only deprecated his going on with those remarks and requested him to defer them until a more suitable opportunity should arise. It is for him to do what he desires in the matter."

\* Mr. SAMI VENKATACHALAM CHETTIYAR:—"With great respect to you, Sir, I may say that the hon. the Minister knows my position very clearly, and he also knows the requirements of the Corporation. I do not want that he should give me any unfavourable reply simply because I have taken him by surprise. In deference to you and also as a sort of convenience to the Government, I would bring this matter at the budget time when I hope the hon. the Minister for Education will be pleased to consider the legitimate claims and requirements of the Corporation for the sake of the starving poor people of this city and for the sake of the very deplorable condition of infantile mortality."



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\*Rao Bahadur C. NATESA MUDALIYAR :—“ I think, Sir, the members representing the Corporation of Madras are within their bounds in opposing this grant. We regret our inability to pay anything for the Excise department when our Corporation is being paid much less than what it ought to have. Rupees 13,000 is the grant that is given by the Government to the Corporation in lieu of their taking away the power of levying tax by the Corporation. That Rs. 13,000 was the average income of the Corporation forty years ago from that source, and according to that the Government fixed that grant. Now the Government is having over 9 lakhs of rupees from the licensing of liquor shops alone. What was Rs. 13,000 then is about ten lakhs now. Thus we are now paying to the Government much more than what we ought to pay. That is why we should not be asked to pay more. Let Madras be exempted from paying tax at least to this extent and let that portion of the excise revenue be given away to the Corporation. Therefore, I oppose this grant. Mr. Sami Venkatachalam Chettiyar was quite right in having tabled this amendment. Moreover, the Government has constituted a Licensing Board in which the Corporation has no power to raise its voice. Every resolution passed by the Corporation in this respect is defeated there, and, even when it is given effect to, the Board interferes and has its own way. The Corporation is the custodian of the sanitation of the city and of the moral well-being of the citizens of Madras. In *ugraharams*, before a temple, before a church, they want to locate a toddy shop. Therefore, we oppose the Excise Minister coming forward for any grant from the taxpayers which will include Madras too.

“ Moreover, Sir, we, as total prohibitionists, do not want any revenue collected out of taxation on liquor; it is impure. But if the Government take away so much money, why should not they pay the Corporation a share of it or restore to the Corporation (laughter) the power of levying taxes ?”

The hon. Rao Bahadur Sir A. P. PATRO :—“ I think the point raised by the hon. the Mover of the reduction lapses, the motion having now been withdrawn; but, with regard to certain remarks that fell from my hon. Friend, the Member for Madras, I am afraid it requires a great deal of elucidation. A lot of confusion has been introduced. . . .”

\* Mr. SAMI VENKATACHALAM CHETTIYAR :—“ Sir, on a point of order. I wish to know, if the hon. the Minister for Education concedes that my motion has been withdrawn, whether these arguments are relevant at all.”

\* The hon. Rao Bahadur Sir A. P. PATRO :—“ I am only replying to certain statements made by my hon. Friend, the Member for Madras. If it is the policy of the Madras Corporation not to touch tainted money, then it would have been . . . .”

\* Rao Bahadur C. NATESA MUDALIYAR :—“ It is not the policy of the Corporation, but it is the policy of certain members of the Corporation who are total prohibitionists.”

\* The hon. Rao Bahadur Sir A. P. PATRO :—“ I am glad of the correction. I now understand that it is not the policy of the Corporation as a whole but it is the policy of certain members thereof.”

\* Rao Bahadur C. NATESA MUDALIYAR :—“ Yes, Sir, as a protest against the policy of the Government, members representing the Corporation have in fact resigned their seats on the Licensing Board.”



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Mr. P. ANJANEYULU:—"On a point of order, Sir, may I know how these facts are all relevant to the point under consideration?"

\* The hon. the PRESIDENT:—"The hon. Member for Madras has made certain observations and the hon. the Minister is only replying to them."

\* The hon. Rao Bahadur Sir A. P. PATRO:—"Sir, if the observations made by the hon. Member are not going to be put on record, I shall have no objection to refrain from further remarks."

The motion for reduction was by leave withdrawn.

The demand was then put to the House and carried and the grant made.

*Grant XXVIII.*

\* The hon. the RAJA OF PANAGAL:—"I beg to move:

*'That the Government be granted an additional sum of Rs. 1,23,827 for grants to local bodies for the repair of damage to roads caused by the floods.'*

"Sir, the floods have seriously damaged communications in the districts of Salem, Malabar, the Nilgiris, South Kanara and Trichinopoly and repairs of the damages have cost us over a lakh of rupees. The presidents of district boards and chairmen of municipal councils concerned were asked to have detailed estimates prepared and get them sanctioned by competent authorities for the restoration of the damages caused to bridges. The Government accepted financial responsibility within certain limits in the case of trunk roads. The municipal chairmen were asked to get the approval of the Superintending Engineer and the amounts required over and above the usual allotment are these:

(The grants are for trunk roads only)		RS.
Calicut Municipal Council	...	7,900
Palghat Municipal Council	...	2,600
Trichinopoly Municipal Council, repairs for the Southern trunk road and the Trichinopoly-Coinabatore road	...	50,000
Salem District Board, repair of Cauvery bridge, Kumarpalayam	...	15,900
South Kanara District Board, repair of trunk road, Mangalore and Mercara	...	27,097
The Nilgiris, repair of trunk road	...	20,330

These sums are required in addition to advance grants already made of Rs. 80,000 to Malabar district, of Rs. 40,000 to South Kanara district and of Rs. 30,000 to Trichinopoly district. The Nilgiris District Board was permitted to distribute out of the funds that remain as unspent balance. The estimates were sanctioned by the Superintending Engineer and these additional amounts are required for the current year for Malabar and Trichinopoly districts. I hope, Sir, the Council will have no objection to make the grant."

Mr. J. A. SALDANHA:—"I only beg to point out that the way in which this House is treated as regards demands for supplementary grants deserves to be very much improved upon. Now, here is a case (and there have been many such instances) in which I could gather very little from the speeches made by the hon. Minister as to the exact details of the grant. We have not been given any idea as to what this demand is going to be



[Mr. J. A. Saldanha]

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made for. I would request that at least some main heads under which the grant is sought to be spent might be given us. We are not aware beforehand for what purpose and under what heads the amount would be required. Personally speaking, I am very glad that some of this amount is going to be spent upon the repairs to the Mercara-Bangalore line. I am very thankful for it. But I only want to draw attention, as I have already done in a question that I had put, to the necessity for our having some idea beforehand of the demands that will be made by the hon. Ministers as well as by the other Members of the Treasury Bench. For want of these details we really feel that the demand has been sprung upon us. I would request that in future at least when such demands are brought forward the Government will be pleased to give us some idea as to them. In fact the hon. the Chief Minister has done so in one case and I hope the same thing would be done in future also."

\* Mr. P. L. MOORE :—" Mr. President, Sir, arising out of the remarks of the hon. Member Mr. Saldanha, I should like to say that I agree that the hon. Members should have some such information when supplementary grants are moved. I have the details with regard to this particular demand but I hope there is no necessity for me to read it over again as the hon. the Minister has already explained it in detail to the House. I do think it is only fair that hon. Members should be given such information and shall see that this is done in future."

Diwan Bahadur P. C. ETHIRAJULU NAYUDU :—" I am grateful to the hon. the Chief Minister for having come forward to help these districts that suffered from the devastations of floods. But I should like to know the policy of the Government in the matter of distribution that will be made for the damages. In the statement of places, the hon. Minister has only referred to Salem, and Trichinopoly and some other districts. But, Sir, my unfortunate district which has also recently suffered from floods and suffered badly too, has not had any mention. The whole dam is cut off and I immediately got an estimate prepared and sent it to the Superintending Engineer and after scrutiny by him I approached the Government for a grant. But I see the Government have not been pleased to make any grant. I should like to know what policy the Government are following in the matter of these grants? "

\* Mr. P. L. MOORE :—" May I ask the hon. Member if it is with reference to trunk roads? "

Diwan Bahadur P. C. ETHIRAJULU NAYUDU :—" Yes. "

\* The hon. the RAJA OF PANAGAL :—" Is the hon. Member sure that the estimates have been approved by the Superintending Engineer? "

Diwan Bahadur P. C. ETHIRAJULU NAYUDU :—" Yes, Sir. I did obtain the permission of the Superintending Engineer. He told me to take it up to the Government. I therefore want to know if there is any policy in these matters of distribution of grants."

\* The hon. the RAJA OF PANAGAL :—" We are, Sir, concerned with a particular calamity. But my hon. Friend refers to a general question. As I have stated in connexion with the floods of last year, we have asked the presidents of local boards and the chairmen of municipal councils to ascertain the extent of damages and submit estimates of the repairs in the case of trunk roads and wherever the estimates are sanctioned by the local



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[The Raja of Panagal]

authorities, the Government are willing to give grants considered necessary. In the particular case referred to by my hon. Friend I am not sure if the damage is connected with last year's floods I have referred to. That is the reason why no grant has been made."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I only wish to follow the remarks made by the hon. Member for Guntur. I think this is the occasion for the Government clearly to express their policy as to in what cases they will be in a position to make the grant. I only wish to lay emphasis upon the fact that where on account of the floods roads have been cut off the amount spent must not be debited to the normal expenditure of the local body concerned and the Government should be called upon to pay. Even in the case of trunk roads grants are made to the extent of Rs. 500 a mile. Whether the road is cut off or not this grant of Rs. 500 is not sufficient. I therefore urge that this should be taken as a standing principle, viz., where owing to floods a road has been cut off the expenditure should not be debited to the normal expenditure but should be treated as an expenditure for which Government should make the grant. I quite understand the difficulties of my hon. Friend from Guntur and I believe there may be several districts where for abnormal causes the roads have been cut off."

Sriman BISWANATH DAS Mahasaya :—" I am thankful to the hon. the Chief Minister for bringing forward this motion for grants for the districts that suffered in 1924. I am only sorry that my own district, Ganjam, is one of the districts that suffered very much in the year 1923. I would therefore appeal to him and request him to let me know as also the Council, as to what has been done regarding the severe damages that occurred in the other districts both in regard to the first class and second class bridges including the bridge in Itchapur which the hon. Minister has himself seen with his own eyes and His Excellency also has visited. I would therefore request him to let me and the Council know when he would take up the repairs of these bridges and whether he would be willing to allot money in this year's budget."

\* The hon. the RAJA OF PANAGAL :—" In reply to the question raised by my hon. Friend from Ganjam, I have only to say that some arrangements have already been made by the Ganjam district board and other questions are under consideration. As to the question raised by my hon. Friend from Nellore, I would say that the concession was made only in cases where damage is due to exceptional causes. There may be ordinarily floods in a year and the roads may be damaged. Such damage is not treated as being due to exceptional causes. If the damage is due to abnormal causes, the question of giving special grants will be considered."

The motion was put to the House and carried and the grant was made.

## VI

### THE MADRAS CIVIL COURTS BILL.

\* The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, I beg to present the <sup>a</sup> report of the Select Committee, on recommitment; on the Bill to amend and consolidate the Madras Civil Courts Act, 1873. I think hon.

<sup>a</sup> Printed as Appendix II on pages 521-524 infra.



[Mr C. P. Rámaswami Ayyar] [7th February 1925]

Members of this House will be glad to learn, as a result of the discussion on the recommitment of the Bill to the Select Committee which sat on this matter, they have come to a unanimous conclusion with reference to the procedure to be followed to-day. They have in consonance with the mandate of this Council considered the question of an amending Bill and confined their attention to three points, viz., the number of subordinate judges to be appointed for a subordinate court or the number of district munsifs to be appointed to a district munsif court, control over establishment in regard to the courts so constituted, and small cause jurisdiction. I think it is necessary to explain that originally the select committee wanted to confer 300 rupees jurisdiction so far as munsifs are concerned. When we again went into the Select Committee, they thought 200 rupees was enough, and I may say that subsequent to the deliberations of the Select Committee other opinions have been expressed which also confirm the idea that 200 rupees jurisdiction would be enough. Therefore the Select Committee has left this matter for this hon. House to decide, namely, whether it should be Rs. 200 or be increased to Rs. 300.

"In view of the course advocated in this House and suggested by the Select Committee, the Bill has taken the form of an amendment of the Civil Courts Act, without being a consolidating Act. Now, Sir, I move that the Bill as now amended by the Select Committee be taken into consideration."

The hon. Mr. N. E. Marjoribanks seconded the motion.

The motion was put and carried.

Clause 1.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I move that clause 1 of the Bill be passed."

The hon. Mr. N. E. Marjoribanks seconded the motion.

Clause 1 was put, passed and added to the Bill.

Clause 2.

\* The hon. Mr. C. P. RAMASWAMI AYYAR:—"I may say in moving clause 2 that it is an amplification of the original clause 4 by the addition of another paragraph. One amendment of which notice has been given is that 'instead of the words "in consultation with" substitute the words "after taking the opinion of"'. I think both mean the same thing."

The hon. Mr. N. E. Marjoribanks seconded.

Mr. MUHAMMAD GHOUSE MIAN SAHIB:—"Sir, I have just now sent some amendments to the Bill. I do not know whether these amendments could be moved now."

\* The hon. Mr. C. P. RAMASWAMI AYYAR:—"I am not going to take any objection on the ground of want of notice. But at the same time I may say that the sentiment of the House was generally to proceed only with the question of increasing the number of judges and not to take any further points. If any amendments would facilitate that course, I have no objection."

Mr. MUHAMMAD GHOUSE MIAN SAHIB:—"I have handed over certain amendments to the Secretary. The first amendment is with reference to clause 2 of the Act that the words 'in consultation with the High Court' be



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omitted altogether. The reason why I brought this is this. In the old Act no power was given at all to the High Court in the matter of appointments. The number of subordinate judges to be appointed under this Act shall be fixed and may from time to time be varied by the local Government."

\* The hon. Mr. C. P. RAMASWAMI AYYAR :—" I do not want to interrupt the speech of the hon. Member. But here there is no question of appointment. The question is whether a particular court should have one or two judges. Naturally the court which is administering judicial affairs throughout the Presidency, viz., the High Court, will be in a better position to advise us. I do not say the advice is binding upon us. Otherwise the Member in charge, viz., the Law Member, will hear the representations on every occasion whenever a court has to be newly instituted or an existing court has to be abolished. When the Government get a number of petitions and mahazars it is found very difficult for them to decide. The House will agree that the Government will be greatly helped by the advice of the High Court as to whether one judge or two judges are necessary in a particular place."

Mr. MUHAMMAD GHOUSE MIAN SAHIB :—" My point is whether by the introduction of this Bill we are not introducing any new powers which did not vest in the High Court at the time when the Government of India Act came into existence. That was the only objection which I wanted to raise. If we are not providing any new power to the High Court, I shall withdraw."

The amendment was by leave withdrawn.

Mr. A. RAMASWAMI MUDALIYAR :—" The purpose of my amendment is this. I merely intended to make it perfectly clear that the responsibility of appointing these additional officers must be solely with the Local Government and it is a responsibility which cannot be shared by the High Court in any sense of the term. I thought that the phrase 'in consultation with' lent itself to some ambiguity and therefore I proposed the amendment 'after taking the opinion of'. Because it is obvious, when the salaries of those judges have to be voted in the Legislative Council, the Local Government should not be in a position to say that they must consult the High Court."

\* The hon. Mr. C. P. RAMASWAMI AYYAR :—" I think I can solve this problem. If it is felt that the words 'in consultation with' involve a certain sharing or rather curtailment of responsibility, 'after consultation with' will certainly make the position clearer."

Mr. A. RAMASWAMI MUDALIYAR :—" I have no objection. The 'in' may be replaced by 'after'."

Mr. B. Muniswami Nayudu seconded the motion.

The amendment was put and carried.

The clause as amended was put and carried and added to the Bill.

#### Clause 3.

Rai Bahadur T. M. NARASIMHACHARLU :—" I have got an amendment to this clause. My amendment is to substitute the word 'senior' for the word 'one' in line 3. The intention of the Government is that instead of establishing more courts there might be appointed more subordinate judges or munsifs to one court. It may happen that the person who is already in that



[Mr T. M. Narasimhacharlu] [7th February 1925]

court, whether he is a sub-judge or munsif, may be a junior and it may also happen that the person who is sent to dispose of arrears may be a senior and a tried person in the disposal of suits. In that case the junior will be asked to distribute the work. As it is now proposed, whether junior or senior, the judge who is presiding over the court will be asked to be in administrative control of the court."

\* The hon. Mr. C. P. RAMASWAMI AYYAR:—"I may cut short the discussion by saying that the Government will take care to see that the principal judge will not be the junior judge. But to say 'senior' in a statute will create difficulty. The intention of the Government is not to supersede the senior judge, but normally to appoint a senior judge."

Rai Bahadur T. M. NARASIMHACHARLU:—"I do appreciate the remarks of the hon. the Law Member. All I want to say is that friction is likely to arise if the distribution of work is given to one and the administrative control is given to another."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"That is not the intention."

Rai Bahadur T. M. NARASIMHACHARLU:—"If the Government is going to give the same powers to both the persons and probably more to the senior of the two judges, I submit there will be no friction. All I wish to point out is that the Government in amending the Bill need not bring in unnecessary friction. If that is kept in mind as promised by the Law Member, I do not press my amendment."

The amendment was by leave withdrawn.

12-30 p.m. Mr. G. RAMESWARA RAO:—"Sir, I beg to move for the substitution of the following for the existing paragraph (3):—

"The District Judge may, from time to time, make such arrangements, as he thinks fit, for the distribution of business of the Courts of the Subordinate Judge or Munsif among the various judges thereof."

"I fear that the clause as it stands in the Bill would give room to misunderstanding between the different courts. As a matter of fact there would be a good lot of feeling when two munsifs or two subordinate judges have to dispose of the same class of cases. It might be that the High Court might change its angle of vision and begin to judge the capacity of these officers by the quality of work turned out by them instead of by the number of cases disposed of. But still there is the old sentiment and consequently there would be a rivalry, a healthy one though, between them to show a greater number of cases disposed of. Therefore, for the purpose of showing greater disposal of cases, tougher cases would be attempted to be shoved off to one officer's file. This would create misunderstanding between two sub-judges or between two munsifs. It is to avoid giving rise to this misunderstanding that I have proposed this amendment."

Rai Bahadur T. M. NARASIMHACHARLU:—"I second it."

\* The hon. Mr. C. P. RAMASWAMI AYYAR:—"My hon. Friend forgets that if the District Judge is to be given this power, he may have to examine all the cases for distribution to find out which is simple and which is tough? What I would suggest is that there would be rules framed for this purpose and there would be an attempt made to lay down principles according to which the distribution should be made."

The amendment was by leave withdrawn.



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Mr. MUHAMMAD GHOUSE MIAN SAHIB :—"In the Bill which emerged from the Select Committee after re-committal I see a provision in the third paragraph of clause 4-A. It seems to me that in view of this provision, the second paragraph of section 11, which is proposed to be omitted, should be retained."

\* The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, my hon. Friend, the Mover, has given notice of that amendment. But I would point out to him that from certain points of view emphasised in this Council the present draft is in a better form."

Mr. MUHAMMAD GHOUSE MIAN SAHIB :—"But that will be taking away the power of the High Court which is *ultra vires*."

\* The hon. Mr. C. P. RAMASWAMI AYYAR :—"My hon. Friend need not worry about that. These questions have been examined and these motions have been put forward with advertence to that."

Clause 3 was put and carried and added to the Bill.

\* The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, in moving clause 4, I may say in explanation of (b) that it is in consequence of the enactment in a comprehensive way of clause 3."

Clause 4 was put and carried and added to the Bill.

Clauses 5 and 6 were put and carried and added to the Bill.

Clause 7.

\* The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, I move that the words 'Rs. 200' be substituted for the words 'Rs. 300' as this is an amendment proposed by the more recent Select Committee. If hon. Members think that it should be three hundred only, they may propose an amendment to that effect."

Mr. B. MUNISWAMI NAYUDU :—"This is an amending Bill. The original Civil Courts Act contains Rs. 200 only and therefore if nobody moves an amendment it stands as it is."

\* The hon. Mr. C. P. RAMASWAMI AYYAR :—"Probably the best way in which I can start discussion would be by saying that I do not move clause 7."

\* Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, with the permission of the House I would move clause 7, viz., 'in section 28 of the said Act for the words "rupees two hundred" the words "rupees three hundred" shall be substituted'. The view of the Act is that only in special cases should district munsifs be given higher powers. We know that some years ago the practice was to give only for a few munsifs power to deal with cases of Rs. 200 and Rs. 100 and other munsifs who were appointed were empowered only to deal with cases of the value of Rs. 50. We must remember that the value of the rupee has gone down very much and therefore what was really a suit of Rs. 100 before is now a suit of Rs. 50. It is more or less on that basis that the Court Fees Act was amended by raising the fees. It was said at that time that the value of land and other things had gone up and that the value of the rupee had gone down. Therefore there is no use of our sticking to the old rule. It is on that ground that the amendment of the Court Fees Act



[Mr. C. V. Venkataramana Ayyangar] [7th February 1925]

was supported by many members of this House. Now coming to the amendment we are discussing, we know that the original jurisdiction of the district munsifs was only Rs. 2,500. It was later raised to Rs. 3,000 for the chief reason that the value of the rupee had gone down. We must not forget that the value of rupee has gone down by about 50 per cent since then. We must also remember that small cause suits are more or less of a formal nature and if any statistics are taken it will be clear that a very large percentage of such suits are uncontested suits. Of course one objection that can be taken to this amendment is that by giving larger jurisdiction to the district munsifs you will be depriving the unsuccessful party of the opportunity of an appeal. But when one remembers that a large number of these small cause suits are not contested, it will be evident that there is very little chance of their coming up for appeal. The district munsifs have a very satisfactory record and we are attempting day by day to improve their status and position. In fact their pay has been lately raised from Rs. 200 to Rs. 300. Therefore, seeing that we have got a class of munsifs with a higher pay than before, that the value of money has gone down since what was really a suit of Rs. 200 in the old days is only a suit for Rs. 100 now and that there is a feeling that we should reduce litigation as much as possible—in this case small cause suits are generally speaking based on documents and therefore there is no necessity for providing a right of appeal—there is no reason why we should not increase the jurisdiction of some of the munsifs. I do not say that the jurisdiction of all the munsifs may be increased. It seems to me that when a munsif, a first grade munsif, has been even sometimes probably acting as a subordinate judge there is no reason why he should not be given special powers by the High Court to dispose of small cause suits up to Rs. 300. I would therefore, Sir, from the point of view of economy and for other considerations, suggest that we should pass this amendment. Perhaps it will be argued that he would become irresponsible if his jurisdiction is extended. To that I would say, if you do not treat him properly, if you treat him like a school boy or a child not able to walk, he will feel no responsibility at all. Since 90 per cent of the cases disposed of are not being appealed against and since their decision is almost final in such matters these munsifs will realise their responsibility and carefully dispose of the cases. I therefore request my hon. Friends many of whom are lawyers to forget personalities and to view this from the point of view of retrenchment and public interest and see if my amendment should not be accepted. I hope the majority of the House would support me."

The motion was duly seconded.

Diwan Bahadur M. KRISHNAN NAYAR:—"I oppose my hon. Friend's suggestion and support the suggestion of the hon. the Law Member. Having regard to human nature there can be no doubt whatever that district munsifs and judges will pay more attention to cases which are appealable than to cases which are unappealable. Because the decisions in small cause suits are not appealable and because in the mufassal particularly Rs. 300 is to many persons a very large amount, I am not for giving jurisdiction to munsifs for any sum over Rs. 200. So, the suggestion made by my hon. Friend, the Law Member, that it should be restricted to Rs. 200 should be adopted. My hon. Friend referred to personalities and personal considerations. In fact, we have nothing to do with personalities and personal considerations in such a small matter as this."



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Mr. C. V. VENKATARAMANA AYYANGAR :—“I only referred to ‘personal’ to mean that individual experience of hon. Members might have been unfortunate, but that they should not take it as the general rule on account of that.”

Diwan Bahadur M. KRISHNAN NAYAR :—“Whatever may be our experience in this matter, I am certainly for fixing the value at Rs. 200 and not for enhancing it.”

\* Mr. R. SRINIVASA AYYANGAR :—“I feel constrained to oppose the motion of my friend from Coimbatore. It is not possible having regard to some principles which I shall lay before the House to support the motion of my hon. Friend from Coimbatore. The hon. Member from Coimbatore referred us to three reasons which taken up separately and cumulatively cannot stand the test of reason or cold logic or expediency. Hon. Members of this House may perhaps be aware of the fact that time was when district munsifs started with a small cause jurisdiction of Rs. 50. Thereafter ten years ago the minimum was fixed at Rs. 100, the maximum having been fixed at Rs. 200. After the munsifs have gained some experience, on the recommendation of the district judges and on the recommendation of the High Court Judges their jurisdiction to try certain classes of cases was raised to Rs. 150 and Rs. 200 and the Government took care to state in their notification that extension of jurisdiction was purely personal. The hon. the Mover of the amendment wants to raise it to Rs. 300. What are the reasons? The first is that the purchasing power of the rupee has gone down and that the original value of Rs. 50 must be considered to be Rs. 100 or Rs. 200, now. If the purchasing power of the rupee has gone down it must be freely acknowledged that the price of food-stuffs has gone up and that the cost of living has increased *pari passu*. The learned Mover said that the district munsifs are being started at a much higher salary than before. It is impossible to see what relationship could subsist between the higher pay of the district munsifs and the higher jurisdiction he wants them to be invested with. There seems to be absolutely no connexion between the one and the other. The hon. Mover also said that most of the litigations are purely formal. As against that statement my experience is otherwise. He also said that if we raise the small cause jurisdiction to Rs. 300 it will reduce litigation, by introducing an element of responsibility on the part of judicial officers. The hon. the Mover says that if you take away the right of appeal to that extent the district munsifs will begin to realize their sense of responsibility and are likely to bestow greater amount of attention on their cases, being obsessed by the fact that these unfortunate men against whom they are going to give their decision are deprived of the right of appeal. I am, however, of a different opinion, and my view is that the moment you extend the jurisdiction you will be introducing an element of irresponsibility which ought to be deprecated. Therefore having these things before me, I am tempted to use these arguments against my hon. Friend the Mover of the amendment. I am inclined to accept the recommendations of the present Select Committee and the view put forward by the hon. the Law Member and feel constrained to oppose the motion.”

The amendment was put to vote and negatived.

The preamble was put, passed and added to the Bill.



[7th February 1925]

\* The hon. Mr. C. P. RAMASWAMI AYYAR:—"I move that the Bill as amended in the Select Committee and as further amended in the Council be passed into law."

The hon. Rao Bahadur Sir A. P. PATRO:—"I second it."

The motion was carried.

The Bill was passed into law.

## VII

### MOTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

#### RESTORATION OF THE SUPPLY CHANNEL FROM THE KODAKKAL TANK TO THE SURAI TANK IN THE NORTH ARCOT DISTRICT.

Diwan Bahadur W. VIJAYARAGHAVA MUDALIYAR:—"Sir, I move the resolution that stands in my name and which runs as follows:—

*'That this Council recommends to the Government that the supply channel leading water from the Kodakkal tank to the Surai tank in the North Arcot district which has fallen into disrepair and disuse may be restored and repaired without further delay'."*

Rai Bahadur T. M. NARASIMHACHARLU:—"I second it."

\* The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, I had the advantage of having a personal talk with the hon. Member who has been responsible for the motion. Our difficulty with regard to this question was on account of the conflicting rights between the Zemindari and the Inamdar tenants and the Government and the possibility of litigation between these tenants and the Government, should the latter embark upon this project. The Superintending Engineer has been asked to report on this matter, and he has now suggested modification which may possibly solve the difficulty. My hon. Friend has been shown the papers relating to this matter. We have asked for a report from the Collector and, if on receipt of that report we find it possible to take up this project without embarking on costly and unnecessary litigation, we shall do so. That is all we can say at the present moment pending the receipt of the report from the Collector."

Diwan Bahadur W. VIJAYARAGHAVA MUDALIYAR:—"I may say that the original channel has fallen into disrepair and that the Public Works Department who were approached for repairing and restoring it inspected the channel and said there was some difficulty in finding means to take the water to the tank, and that it was likely to involve the Government in litigation. Therefore the proposal was given up by the Government. The ryots in the village say that the views of Government about litigation are all imaginary, and that the ryots are not particular about the way of the channel. All that they want is water for their fields. If the Government undertake to see that the ryots get water as early as possible they will be satisfied. Numbers of years have been spent in investigation. I only hope that the hon. the Law Member will see that the grievances of the ryots are redressed as early as possible. However, in view of the sympathetic reply of the hon. the Law Member I beg to withdraw my resolution."

The resolution was by leave withdrawn.



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COMMITTEE TO INQUIRE INTO EXISTENCE OF CORRUPTION AMONGST  
SUBORDINATE GOVERNMENT OFFICIALS.

Mr. K. KOTI REDDI :—“ The resolution that stands in my name runs as follows :—

*‘ That this Council recommends to the Government to appoint a committee of officials and non-officials to enquire into and suggest measures to put an end to the existence of corruption amongst the subordinate Government officials ’.*

“ I formally move the resolution.”

Mr. T. ADINARAYANA CHETTIYAR :—“ I second it.”

\* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ I move that the further consideration of this motion be adjourned to the next non-official day available for non-official business.”

Rao Bahadur C. NATESA MUDALIYAR :—“ I second it.”

The motion was put to the House and carried.

Mr. Koti Reddi's resolution was accordingly adjourned to the next non-official day.

COMMUNAL REPRESENTATION IN GOVERNMENT SERVICE.

\* Rao Bahadur C. NATESA MUDALIYAR :—“ The resolution that stands in my name runs as follows :—

*‘ That this Council recommends to the Government that at least 40 per cent of posts in both the “ lower ” and “ upper ” grades of the services under Government be reserved to the non-Brahman Hindus, 10 per cent to the depressed classes, 15 per cent to the Muhammadans, 10 per cent to the Indian Christians, 10 per cent to the Brahmans, the rest for the representation of other communities and for recruitment by competitive examination.’*

“ Sir, in our country, where the population consists of caste-tight, community-tight and race-tight compartments, where members of one community and those of another have nothing in common except colour and the country to which they belong, where there is as much difference between the members of one community and those of another community as there is between them and any other people from any land who may settle in our country. Communal differences are inevitable and communal adjustment is a necessity. The problem of communal representation has been engaging the attention of the Government even three-quarters of a century ago and in the Board's proceedings of 1854 it is stated that

*‘ The Collectors should be able to see that the subordinate appointments in their districts are not monopolized by the members of a few influential families. Endeavour should always be made to divide the principal appointments in each district among the several castes. A proportion of tahsildars in each district should belong to castes other than the Brahman and it should be a standing rule that the two chief revenue servants in the Collector's office should be of different castes.’*

“ That was the Board's proceedings of 1854 but evidently the Board's proceedings were not obeyed by the Board's subordinates as it is now the case that Government Orders are not obeyed by the Government servants. In 1911, a note was added that the ‘ last rule should be applied to the persons actually doing duty as huzur sarishtadar and head clerk and not to the persons who on paper hold those appointments ’.



[Mr. A. Chidambara Nadar] [7th February 1925]

"There was much discontent even then; but till the reformed councils were brought into existence the people had no opportunity of expressing their grievances. It was only when these councils were formed that we had an opportunity of moving resolutions. On the 2nd April 1921 a communal resolution was moved by my hon. Friend Mr. Thanikachalam Chettiyar about the appointments made by the High Court and it was promised by the Government that the discussion on the resolution would be communicated to the High Court. Again in August 1921 many of us gave notice of resolutions on communal representation and Mr. Thanikachalam Chettiyar moved the following resolution on the subject:

1 p.m. 'That this Council recommends to the Government that a standing order be issued to every officer or board or body of officers authorized to make appointments to the public service to give preference to candidates from the non-Brahman communities (including therein Christians, Muhammadans, and members of the depressed classes) until a proportion of at least 86 per cent amongst officers carrying a salary of Rs. 100 per mensem and upwards and a proportion of 75 per cent amongst officers carrying a salary of less than Rs. 100 are reached, within a period of seven years from this date so long as such candidates possess the minimum qualifications prescribed by the rules relating to appointments to the public services, although such candidates may be less qualified than Brahman candidates.'

"To the above resolution the hon. Sir Arthur Knapp moved an amendment:—

'that with a view to increase the proportion of posts in Government offices held by non-Brahmans, the principles prescribed for the Revenue department in Board's Standing Order No. 128 (2) be at once extended to all departments of the Government and be made applicable not only to the principal appointments but to posts of all grades, and that the Government should issue orders accordingly and insist on their being enforced, and that to this end half-yearly returns showing the progress made should be submitted by the head of each office. Such periodical returns shall be made available to the Members of the Legislative Council.'

"With only a little alteration this amendment was accepted by the Mover of the resolution and it was passed by the Council unanimously, every one of the members feeling that a real grievance was felt by the various communities. Even though the Government accepted this resolution they did not put it into practice. So in September 1922 there was another resolution on communal representation. But long before that, at the instance of the hon. the Leader of the House, Sir Charles Todhunter, a Government Order was passed from which I shall read a few extracts. In the course of G.O. No. 658, Public, dated 15th August 1922, it is said:

'In circulating these returns, the Government are not unaware that some dissatisfaction has been expressed with the fact that they are confined to persons newly entertained and a resolution was tabled for the substitution for them of returns of all appointments whether permanent, temporary or acting and whether the officers appointed were appointed for the first time or promoted from subordinate grades. The Government have examined the question of extending the scope of the returns in the sense suggested and are disposed to agree that some amplification is necessary if the returns are to show the progress made in the carrying out of the policy in the matter of the representation of various communities in the public service which is expressed in the Board's Standing Order, namely, that endeavours should always be made to divide the principal appointments in each district among the several castes. The Government recognize that, if the principal appointments are to be divided among the several communities, the lower appointments from which recruitment is made to them must be likewise divided, and are quite prepared to agree that, in order to give effect to this policy, other things being equal, the principle specified in the Board's Standing Orders should be given effect to both at the time of initial recruitment and at every point at which men are promoted wholly by selection and not by seniority.'

"The policy of the Government was declared in this Government Order in August 1922; yet we are surprised to find that it has not been given effect to. Government Orders are more honoured in the breach than in their observance. When the question of constituting the Staff Selection Board



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came up, I asked Sir Charles Todhunter whether the Board would be guided by the communal Government Order. He replied that it was only to give effect to that principle that the Board was constituted. Otherwise I would not have voted for it. Also when I saw that the Ministers had given up their power of appointments, I saw that there was no other hope for the various communities in this country except through the Staff Selection Board. My hon. Friend, Mr. Ramaswami Mudaliyar, put me a question whether I wanted communal representation or not and what I would do if the Staff Selection Board did not observe communal representation. I said that I would vote against it. Now the time has come to do so. The Government Order has been completely ignored by the heads of the departments who make the appointments. Communal representation is most important for the amelioration of the various communities."

Mr. R. VEEBRIAN :—"Hear, hear."

Rao Bahadur C. NATESA MUDALIYAR :—"That is the only way of building our nation. There is no other means whatever. People may belong to various political parties and may have different views on many questions. But all must agree that there is no salvation for India except through communal representation. The classes rise or fall with the masses. It is not only my opinion but even so high an authority as Mr. Ramsay Macdonald in his book 'The Government of India,' says at page 76 :

'Practically we must recognize that much of the bitterness between religious and social communities in India—like the organized opposition of the non-Brahmans in Madras to the Brahmins—is the opposition of injured inferiors to superiors. I have changed my mind on this point, because on careful consideration I see that certain communities that ought to be represented will not be represented except by special provision, that the representation of these communities will raise their status, and that it will bring them into that national co-operation in the Councils which is bound to issue not in division but in unity of interest and spirit.'

"With these few words I move my resolution."

Mr. A. CHIDAMPARA NADAR :—"Sir, in seconding the resolution I do not wish to go so far as my hon. Friend Mr. Natesa Mudaliyar. I cannot say that there are such water-tight compartments between caste and caste in this country as exist between the people of this country and the people of the other countries. So far as my experience goes, so many social disabilities under which the Nadar community was labouring under some twenty years ago are now slowly vanishing as education and knowledge spread in the different communities. I shall, however, take this opportunity of expressing certain grievances felt by my community with regard to appointments. Though my community is advanced in education, when they come to Government and apply for posts they meet with failure. So far as my knowledge goes there is only one in the Revenue Department as deputy tahsildar, and in the Police department there is none. In the recent selection of sub-inspectors of police even though some of my community applied, none was selected. In the Registration department there is only one Hindu Nadar who has passed the Intermediate examination and a branch of the B.A. examination. Even he is not taken in the upper grade. With regard to the Judicial Department I have brought to the notice of the Honourable House time and again that no one has been appointed including the Christian Nadars. In seconding the resolution brought forward by my hon. Friend Mr. Natesa Mudaliyar, I take this opportunity of pressing the claims of my community so far as the appointments to the public service are concerned."



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Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Sir, may I move my amendment?"

(Mr. Ramalinga Chettiyar had given notice of an amendment on 6th February, 'That this Council recommends to the Government that a committee of this House be appointed to inquire and report as to the working of the policy laid down by the Government in G.Os. Nos. 658, dated 15th August 1922 and 76 dated 6th February 1924 and to suggest means to effectively provide for giving preference to competent candidates from communities which have not had their due share of appointments in public service until the existing inequalities are removed.')

\* Mr. C. V. VENKATARAMANA AYYANGAR :—" No, Sir, the amendment seems to be a recent amendment. The wording is very objectionable and if that is permitted we want to give further amendments."

\* The hon. Mr. R. A. GRAHAM :—" Sir, apart from this resolution which has succeeded in the ballot there is a large number of resolutions tabled more or less of a similar nature. I think that Government would like to know what exactly it is that the Council wishes to recommend. Firstly there is Mr. Natesa Mudaliyar's resolution that this Council recommends to the Government that at least 40 per cent of posts in both the 'Lower' and 'Upper' grades of the services under Government be reserved for non-Brahman Hindus, 10 per cent for the depressed classes, 15 per cent for the Muhammadans, 10 per cent for the Indian Christians, 10 per cent for the Brahmans, the rest for the representation of other communities, and for recruitment by competitive examination. Mr. Obalesappa has recommended to the Government that the graduate members of the barber community may be appointed by direct recruitment to the higher grades of the Government service. Mr. Sagaram wishes the Council to recommend to the Government that the members of the toddy-drawing community of the Telugu country should be adequately represented in all the departments of the Government service. Mr. Abdul Hye wishes the Council to recommend to the Government that 25 per cent of the superior and inferior appointments in all the Reserved and Transferred departments be reserved to the members of the Mussalman community and that till that proportion is attained recruitment from all other communities be suspended; and that a committee consisting of officials and non-officials be appointed with a non-official majority to give effect to the recommendation immediately. Mr. Muhammad Moosa Sait also has tabled a resolution to the same effect. Mr. Chidambara Nadar has tabled a resolution recommending to the Government that 25 per cent of the higher appointments in Government service should be reserved for minority communities such as Nadars, Viswakarma Brahmans, etc. There is a considerable amount of conflict between these resolutions and I think Government can reasonably expect to know definitely what the Council does recommend before they are asked either to accept or reject it."

\* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" It is to meet this difficulty as well as on account of the variety of suggestions that are being made to the Government that I have given notice of the amendment which is now before you, Sir."

The hon. the PRESIDENT :—" Two clear days' notice of the amendment has not been given. Does any member object?"



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Rai Bahadur T. M. NARASIMHACHARLU :—" I object, Sir."

The hon. the PRESIDENT :—" The Standing Order says that the objection shall prevail unless the President in the exercise of his power to suspend this order allows the amendment to be moved."

\* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" May I just say a word with reference to that, Sir? Now we are at 1-15 p.m. and I think we have agreed to adjourn at 1-30. So, even if you give permission to move the amendment, I would not be able to finish my speech to move it, not to say of its being seconded. We will not be able to go very far in the discussion to-day. I suggest that there will be ample opportunity for Members to move amendments at the next meeting on the non-official day to which this resolution may be adjourned. In this view, there may not be any sort of injustice or anything of the kind in allowing the amendment to go forward."

The hon. the PRESIDENT :—" I would advise the hon. Member, Mr. Saldanha, to reserve his amendment till the next opportunity arrives for discussing it along with similar amendments, as we have only a few minutes more for the discussion of this resolution."

\* Mr. J. A. SALDANHA :—" I accept the suggestion made by the hon. the President and would defer also to the wishes of my own party having agreed to withdraw the amendment in fact and to accept the proposed amendment regarding the committee, with the qualified remark that as to the question of communal representation which has been to the forefront, the first qualification, the main qualification before Government for an appointment either in the higher or lower service is one of education. And, if there is a community which is strong, powerful, wealthy, which is afforded every protection in the public service, every opportunity for education, etc., and enjoys all the facilities, I do not see any reason why such a community or communities should clamour for a larger distribution of the loaves and fishes in proportion to their numerical strength and not in proportion to the educated men available in that community. If, on the other hand, there is one community which sacrifices its comfort and money and educates its children, both boys and girls, at very great cost and has produced a very large number of educated and qualified people, qualified for all posts, I do not see why that community should not be given the consideration which it deserves. We don't see why we Indian Christians who have been always loyal and devoted should at this time find ourselves in the condition in which we are. It is the people who clamour and clamour that get the best, while we who have been, more or less, not clamorous, do not get our due. As I am not going to move my amendment as worded at present, I only say these few words, and would defer to the amendment which has been proposed by the Leader of the Party." (A voice: 'No leader of the Party.')

Rai Bahadur T. M. NARASIMHACHARLU :—" The object of my objecting to the amendment being permitted to be moved is this, that we do not know exactly where we stand with reference to this amendment."

The hon. the PRESIDENT :—" There is no amendment now."

Rai Bahadur T. M. NARASIMHACHARLU :—" What I do say is this. It is high time that some protest is raised to this sort of discussing things on a communal basis in this Council. People have been very patient all these



[Mr. T. M. Narasimhacharlu] [7th February 1925]

years in the hope that this communal question would subside. But, notwithstanding the fact that Dr. Natesa Mudaliyar and some others had crossed the floor and came to the Opposition ('Hear, hear'), we now see that he has not left this behind him." (Laughter.)

Rao Bahadur C. NATESA MUDALIYAR :—" I stand stronger for it to-day, Sir." ('Hear, hear.')

Rai Bahadur T. M. NARASIMHACHARLU :—" And that is the very reason why, notwithstanding the change of sides, there is no change of heart. That is the very reason why I say that some protest should be raised upon this question though it has to be done somewhat late. This question is not a very easy question to solve. They think that the question would be solved by increasing the number of non-Brahmans to be appointed. They think that by increasing the number of appointments to be given to non-Brahman Hindus and to all other communities except Brahmans, the question will be solved. But I do sound a note of warning if this is the policy that is going to be adopted by the party in power. They have got now the giant's strength. Do they mean to use it as a giant? To me, Sir, it appears that it is their duty to protect the much abused and much maligned Brahman class." (Cries of 'No, no.')

Mr. P. ANJANEYULU :—" I, as a Brahman, seek protection from nobody, Sir."

Rai Bahadur T. M. NARASIMHACHARLU :—" I may be only one solitary man who protests here, but it may be taken that this is a protest from the voiceless and patient many. For ages and ages they have been patiently bearing all the abuses that have been thrown against them not only by our own brother Hindus but by people belonging to other religions. We have survived, we will survive ('Hear, hear'), and time cannot uproot the Brahman class. The note of warning that I am going to sound is this. Among the Brahman classes 90 per cent are educated and of them nearly 50 per cent are English educated. If you go to any school, you will find the Brahman number preponderating. They pass in examinations, and you want to shut them out of employment. Now, Sir, you are a party in power. Find out first the way by which they may live. They have been fed on hopes that by English education they can obtain some employment. With that hope, they have passed examinations. Suddenly the party in power comes now and says 'Well, you have had your day; you had better keep out'. Now, is it not the duty of the Government . . . ."

Mr. A. CHIDAMBARA NADAR :—" May I know whether the hon. Member belongs to the Opposition?"

Rai Bahadur T. M. NARASIMHACHARLU :—" Yes, I belong to the Opposition now, because both the Opposition and the Ministerial party have joined. . . ."

Mr. R. VERRIAN :—" May I know from my hon. Friend the influence which the so-called Brahman community has got in each and every department?" (Laughter.)

Rai Bahadur T. M. NARASIMHACHARLU :—" I am not going into those details, Sir. I am confining myself only to the particular facts. Without



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finding a way to employ these persons, you are letting them loose. What is the result? There is discontent. Where will they go? They will revive non-co-operation. Further, Sir, on account of the discontent, I request the Government to take note of this: the discontent will not stop with mere discontent. Perhaps it may lead to revolution. Perhaps it may lead to anarchy. (Cries of 'Oh, oh' and 'Hear, hear'.)

"I hope, Sir, that there may not be a time when the Bengal Ordinance may have to be invoked in this Presidency also. You allow educated people to go adrift in the streets. What will idle hands do? They will have to find some employment; and that employment will not only be to the detriment of the country but to the detriment of the very party in power, and it may be also to the detriment of all nationalism in the land. Would you like to promote nationalism and develop national unity or would you like to divide people into compartments? Of course, non-Brahmans include all the created beings except Brahmans (laughter). Now, this resolution wants to further subdivide the people into Christians, Muhammadans, depressed classes, non-Brahman Hindus and so forth. Now, Sir, is this good to the country? Is it in the interests of the Government itself? (Cries of 'No, no.'). In the olden days the Brahmans were given shrotriyams and agraharams. Now let the Government undertake, let the party in power undertake to encourage Brahmans as the old kings had done (laughter), and from today forwards we shall go to the forests ('hear, hear' and cheers). What do we want? Sufficient to eat and clothe ourselves with, and we shall go. But is the present Government going to give us shrotriyams? On the other hand, you find all the radical papers saying 'Why do you feed the idle Brahman?' . . ."

Mr. A. RANGANATHA MUDALIYAR:—"Are the other people given shrotriyams, Sir?"

Rai Bahadur T. M. NARASIMHACHARLU:—"What I say is that from old times the Brahmans have always been respected for their education. Their only weapons were their pen and tongue. We Brahmans are prohibited from tilling or employing ourselves in other avocations. (A voice: 'By whom?'). By us, Sir (laughter). And now, what our elders did we are trying to do. Show us some other means. . . ."

Mr. B. MUNISWAMI NAYUDU:—"May I ask my hon. Friend and the community who are at present practically in power whether they will show us some method for our unemployed members?"

Rai Bahadur T. M. NARASIMHACHARLU:—"We had done it. We are not tillers of the soil. We have made kings and made others to occupy the lands. Well, now, will the non-Brahmans to-day give up their lands? And we shall give up education (laughter)."

Mr. K. KOTI REDDI:—"Will you give up your lands?"

Rai Bahadur T. M. NARASIMHACHARLU:—"Yes, Sir. So, the division of labour has been effected. . . ."

Mr. R. VEERIAN:—"May I know from my hon. Friend whether the Brahmans suffered from any disease with reference to getting appointments as non-Brahmans and other so-called depressed classes are suffering from?"



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Mr. P. ANJANEYULU :—“ On a point of order, Sir, may I know whether hon. Members can put questions or supplementary questions when another hon. Member is speaking unless it be on a point of order ? ”

The hon. the PRESIDENT :—“ They cannot.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ I thank my hon. Friend of course, but I am capable of answering every one of these questions. I therefore submit, Sir, that this matter is a very important one and should not be treated so lightly, especially when the party in power wants these privileges to the detriment of a particular class. I submit, Sir, I would not be wrong—far wrong—in saying that they take advantage of the power that it is in them and thereby want to aggrandise for themselves things which they would not get by virtue of merit alone. Well, Sir, will you render yourselves open to that criticism ? I therefore say in the interests of the very party in power, in the interests of the Government and the country, that you are driving a class out of their living. You are not providing for that particular class and will that particular class not feel discontent, and will it not be a cancer on the body politic ? (‘ Hear, hear. ’) Therefore I submit, Sir, that this is not a point which will go unchallenged hereafter. I personally, Sir, have my own view, and it is quite a different one. I do not express my personal view here, but I do express the view that is felt by the class of people in this Presidency. If I am asked to administer a particular policy of the Government, I will do it loyally. That is the nature of the Brahman always (‘ Hear, hear. ’) A Brahman will fight for privileges and rights and even if he loses and even if he is asked to administer it against his will, he will carry out the policy loyally and with ability. How has the Civil Service got so much name and fame for having ruled India so well all these 150 years ? (‘ Hear, hear. ’) I will give you 30 years, Sir, and I am quite sure that the 150 years worth of British rule will be undermined during the next 30 years if you are going to persist in the policy you are now pursuing.”

Mr. A. RAMASWAMI MUDALIYAR :—“ May I ask my friend if he means to retain the steel frame for the next 30 years ? ”

Rai Bahadur T. M. NARASIMHACHARLU :—“ Is the party in power going to work the soft frame for half of that time ? ”

The hon. the PRESIDENT :—“ The hon. Member has finished his speech. The House will now adjourn till the 2nd March 1925.”

The House accordingly adjourned.

R. V. KRISHNA AYYAR,  
*Secretary to the Legislative Council.*



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## APPENDIX I.

[Vide item IV Communication to the Council at page 493 supra.]

*Statement showing the Resolutions passed by the House Committees of the I and II Sessions of the Second Council and the action taken thereon.*

**I Session—Two meetings.**

**I.—RESOLUTIONS OF THE HOUSE COMMITTEE  
MEETING OF 8TH FEBRUARY 1924.**

**ACTION TAKEN THEREON.**

1. That arrangements be made to give a separate room to the Deputy President.

In their Memorandum, dated 11th April 1924, the Government stated that no room was available and the matter would be further considered.

The Public Works Department is considering the question.

2. That steps be taken to improve and beautify the grass plots on either side of the Council Chamber by the provision of fountains, crotons, etc.

3. That another water filter be provided in the big Committee room for the use of the Members of the Council and that water, boiled and then cooled, be supplied to them.

A second water filter was purchased and placed in the big Committee room on 18th August 1924. Water boiled and cooled is being supplied to Members of the Legislative Council.

4. That Members of the Legislative Council be provided with letter papers and covers embossed with the "Royal Arms" and the inscription, "Legislative Council" on payment of cost.

The Government adhered to the previous decision that letters should not be written on the Legislative Council paper except on the Legislative Council premises. For further correspondence on the subject—vide resolution No. 14 of the House Committee of 24th October 1924.

**II.—RESOLUTIONS OF THE HOUSE COMMITTEE  
MEETING OF 4TH APRIL 1924.**

5. That triangular mud pots or tins be kept for the purpose of spitting on the green grass grounds situated on either side of the Council Chamber.

Earthen pots of required size and shape have been purchased.

6. That during the hours between 1 and 3 p.m. the restaurant keepers in the Council Chamber be not permitted to supply within the luncheon room tiffin to persons who are not Members of the Council unless introduced by a Member.

A circular has been issued to the caterers for Indian and European Members. A notice board has also been put up at the entrance to the Indian and European Members' tiffin rooms to the following effect:—

"No admission to strangers between 1 and 3 p.m. unless introduced by Members."

7. That the Government be requested to secure accommodation (boarding and lodging) for the mufassal Members of the Legislative Council (preferably within the Fort premises).

The Government stated in Memorandum No. 1803-2, dated 4th August 1924, that it was not possible to undertake boarding arrangements for mufassal Members nor could provision be made for their lodging within the Fort. With a view, however, to examine the feasibility of providing accommodation for mufassal Members outside the Fort, the Government desired to have information as to the number of mufassal Members who might be willing to take up such quarters, the rate at which and the period for which they would take them if provided. A demi-official was issued to all mufassal Members and the replies received were communicated to Government. The Government have, in their Memorandum dated 14th January 1925 regretted their inability to make any arrangements.



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II.—RESOLUTIONS OF THE HOUSE COMMITTEE  
MEETING OF 4TH APRIL 1924.

8. That the Government be requested to give facilities to the Members of the Legislative Council by the provision of a room and an attender to enable them to keep their bags, etc., when they leave the Council in the evenings.

9. That, as far as possible, strangers be excluded from the Committee rooms and that notices be put up in front of them stating that the rooms are reserved for Members only.

10. That the Secretary be authorized to address the Government about the necessity for supplying embossed letter papers and envelopes to Members of the Legislative Council on payment of cost.

11. That separate waiting and cloak room be provided for lady visitors.

12. That separate rooms be provided in the Legislative Council buildings for the leaders and whips of the Ministerialists and opposition parties.

13. That a sum of Rs. 5,000 be placed at the disposal of the House Committee for such uses as they may consider necessary for the carrying out of their resolutions.

II Session.

III.—RESOLUTIONS OF THE HOUSE COMMITTEE  
MEETING OF THE 24TH OCTOBER 1924.

14. That a letter be sent to the Government on the subject of the supply of embossed letter papers and envelopes to Members of the Legislative Council.

(The House Committee approved of the terms of a letter which had been drafted by the Secretary.)

15. (a) That the Government be responsible for the supply of good tiffin to the Members of the Legislative Council on the days of Council sittings and that for this purpose a staff be provided in the Council office which shall perform the following duties, viz.,

- (i) buying necessary provisions,
- (ii) engaging cooks, and
- (iii) getting fresh tiffin prepared and

supplied to Members, the Members being liable to pay the cost of the tiffin supplied to them;

(b) that, pending orders of the Government on the above resolution, the present caterer be directed to obey the instructions given to him by the House Committee to-day.

16. That napkins be provided for Members during lunch.

17. That the clerk in charge of the southern Committee room and the librarian be warned to see that no non-Members are allowed to enter that room.

18. That two copies of all the English dailies in Madras and of the *Swadesamitran* and the *Andhrapatrika* be placed one set in each Committee room.

ACTION TAKEN THEREON.

The Government suggested that arrangements might be made for the custody of bags belonging to Members in the rooms available at present and without any extra cost to Government. The Government were, however, informed by the Secretary that no room was available. The question of providing lockers is however under consideration—vide resolution No. 23 of the House Committee meeting of 24th October 1924.

A notice board with the words "Reserved for Members only" has been put up at the entrance to the Committee room.

Vide resolution No. 14 of the House Committee meeting of 24th October 1924.

The Government stated that there were no rooms available for this purpose.  
Do

In their Memorandum dated 29th May 1924 the Government expressed their inability to sanction the lump allotment asked for.

ACTION TAKEN THEREON.

The Government have been addressed on the subject in letter No. 3797-1 L.O., dated 7th November 1924. Their reply is awaited.

The Government expressed their inability to accept the resolution and suggested that the House Committee or the Secretary, Legislative Council, might invite tenders from local hotel keepers and impose conditions on the caterer as regards the quality, quantity, etc., of the lunch to be supplied.

This is being done.

This has been done.

Extra copies of English dailies and of the *Swadesamitran* and *Andhrapatrika* are being purchased and placed, one set in each Committee room.



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III.—RESOLUTIONS OF THE HOUSE COMMITTEE  
MEETING OF THE 24TH OCTOBER 1924.

19. That the Oriental Arts Series and Sarma's Portfolio of Drawings be bought for the use of the Members.

20. That exhaust-fans be provided in the bath room.

21. That small mats or carpets be provided for Muhammadan Members for use during prayers.

22. That the Government be again requested to make an allotment of Rs. 5,000 to be placed at the disposal of the House Committee for such uses as they may consider necessary for the carrying out of their resolutions.

23. That lockers be provided for the use of Members as per plan enclosed.

24. That separate rooms for the Leaders and Whips of the Ministerial and Opposition parties in the House and for the Deputy President are absolutely necessary and that the Government be requested to take immediate steps to provide the same and that, if necessary, the Legislative Council Chambers be extended.

ACTION TAKEN THEREON.

The Government considered that this publication was unsuitable for being placed in the Legislative Council library.

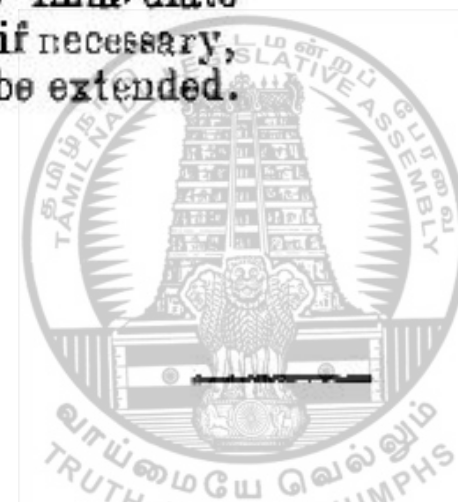
The estimate for the work prepared by the Electrical Engineer is under consideration in the Law Department.

These articles will be purchased and supplied.

The Government have in their Memorandum dated 8th December 1924 expressed their inability to sanction the lump allotment asked for.

The Secretary suggested that 40 or 50 lockers might be made for the present. The hon. the Finance Member wanted to have an ocular demonstration of the lockers and arrangements for the same are being made.

In their Memorandum dated 8th December 1924 the Government stated that no rooms were available.



R. V. KRISHNA AYYAR,  
*Secretary to the Council.*

APPENDIX II

[Vide debate on the Madras Civil Courts Bill at page 503 supra].

REPORT OF THE SELECT COMMITTEE ON THE  
MADRAS CIVIL COURTS BILL.

To

THE HONOURABLE THE LEGISLATIVE COUNCIL  
OF THE GOVERNOR OF MADRAS.

WE, the members of the Select Committee appointed to consider the Madras Civil Courts Bill, have the honour to submit the following report.

2. We held our meeting on the 4th February.

3. We append an amending Bill which embodies the changes needed to enable the Local Government to appoint more than one Subordinate Judge or District Munsif to a



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single Court to make the necessary provision for the regulation of the work and the control over establishments in the case of Courts having more than one presiding Judge.

4. As regards Small Causes jurisdiction, the Select Committee by a majority considers that the jurisdiction of District Munsifs should remain at Rupees Two hundred as in the present Act.

C. P. RAMASWAMI AYYAR.

T. R. V. SASTRI.

C. V. S. NARASIMHA RAJU.

P. N. MARTHANDAM PILLAI.

B. MUNISWAMI NAYUDU.

R. VEERIAN.

J. A. SALDANHA.

A. S. KRISHNA RAO.

T. A. RAMALINGAM.

M. KRISHNAN NAYAR.

\* T. M. NARASIMHACHARLU.

S. SATYAMURTI.

C. V. VENKATARAMANA AYYANGAR.

P. C. ETHIRAJULU NAIDU.

6th February 1925.

\* I sign this subject to my being free to move an amendment in clause 4-A of which I already gave notice.

T. M. NARASIMHACHARLU.

## A

## BILL

*To amend the Madras Civil Courts Act, 1873.*

WHEREAS it is expedient to amend the Madras Civil Courts Act, 1873 ; It is hereby enacted as follows :—

1. This Act may be called the Madras Civil Courts (Amendment) Act, 1925.



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**2.** To section 4 of the Madras Civil Courts Act, 1873 (hereinafter referred to as the said Act), the following paragraph shall be added, namely :—

“The Local Government may, in consultation with the High Court, fix and from time to time vary by notification the number of Subordinate Judges to be appointed for a Subordinate Judge's Court or the number of District Munsifs to be appointed for a District Munsif's Court.”

**3.** After section 4 of the said Act, the following section shall be inserted, namely :—

“4-A. When more than one Subordinate Judge is appointed to a Subordinate Judge's Court or more than one District Munsif to a District Munsif's Court, one of the Subordinate Judges or the District Munsifs shall be appointed the Principal Subordinate Judge or Principal District Munsif and the others Additional Subordinate Judges or Additional District Munsifs as the case may be.

Each of the Judges appointed to a Subordinate Judge's Court or a District Munsif's Court may exercise all or any of the powers conferred on the Court by this Act or any other law for the time being in force.

Subject to the general or special orders of the District Judge, the Principal Subordinate Judge or the Principal District Munsif may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof.”

**4.** In section 10 of the said Act, the following amendments shall be made, namely :—

(a) For the words ‘District Judge or Subordinate Judge’ the words ‘District Court or Subordinate Judge's Court’ shall be substituted.

(b) The proviso shall be omitted.

**5.** The second paragraph of section 11 of the said Act shall be omitted.

**6.** For section 23 of the said Act, the following section shall be substituted, namely :—

“23. The ministerial officers of the Court of a Subordinate Judge or of a District Munsif shall be appointed and may be suspended or removed by the Judge



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thereof, or, if the Court consists or more than one Judge, by the Principal Judge thereof whose order in such matter shall, subject to the control of the District Judge and the High Court, be final."

7. In section 28 of the said Act for the words 'Rupees two hundred' the words 'Rupees three hundred' shall be substituted.

NOTE.

The Select Committee has now suggested that Rs. 200 and not Rs. 300 should be the small cause jurisdiction of District Munsifs. If it is Rs. 200, old section 28 will be left unamended and no section in this Act will be necessary. If an alteration is made, a section in the form of clause (7) will be necessary.

